

**JOURNAL**  
OF THE  
**House of Representatives**  
OF THE  
**STATE OF ALABAMA**  
**REGULAR SESSION**  
**Of 1977**

**HELD IN THE CITY OF MONTGOMERY, ALABAMA,  
COMMENCING TUESDAY, FEBRUARY 1, 1977**



**Vol. 1**

**WITH AN INDEX PREPARED BY THE  
CLERK OF THE HOUSE**

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HOUSE OF REPRESENTATIVES  
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**FIRST DAY**

Montgomery, Tuesday, February 1, 1977  
State Capitol of Alabama

**JOURNAL**

of the House of Representatives of the State of Alabama, of the Regular Session of 1977, begun and held at the Capitol in the City of Montgomery, State of Alabama, on the first Tuesday in February, 1977, being the first day of the month in the Year of our Lord, One Thousand Nine Hundred and Seventy-Seven, at 12 o'clock, M., on which day, the day fixed by law for the meeting of the Legislature of Alabama, was called to order by Honorable Joe C. McCorquodale, Jr., Speaker of the House of Representatives.

**PRAYER**

The session was opened with prayer by the Reverend Donovan Davidson, Associate Pastor, First Baptist Church, Montgomery, Alabama.

**ROLL CALL**

On a call of the roll of the House the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—103

A quorum was present.

**REPORT FILED**

The Report of the State Judicial Compensation Commission created by Section 6.09 of Article VI of the Constitution of Alabama was submitted by the Chairman, Charles M. Hohenberg, to the Alabama Legislature of 1977, and the report was ordered filed.

## STATE OF ALABAMA

## DEPARTMENT OF STATE

I, Mrs. Agnes Baggett, Secretary of State of the State of Alabama, do hereby certify that it appears from the returns of the Special Election held in 1976 to fill the vacancy in the House of Representatives, received and canvassed in this Department in accordance with law, that the following named person was elected to the House of Representatives to fill said vacancy in said House of Representatives, from the District as follows:

## DISTRICT NO. 99

James E. Buskey

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol, in the City of Montgomery, this the 1st day of February, One Thousand Nine Hundred and Seventy-seven.

MRS. AGNES BAGGETT,  
Secretary of State.

## OATH OF OFFICE

The oath of office was administered to Hon. James E. Buskey of Calhoun County by Hon. Joe C. McCorquodale, Jr., Speaker of the House of Representatives, in the House Chamber.

## RESOLUTIONS

The following resolutions were introduced:

By Mr. Crowe:

H. R. 1. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Clerk of the House notify the Senate that the House is now in session and is ready for the transaction of public business.

On motion of Mr. Crowe, the rules were suspended and the resolution, H. R. 1, was adopted.

Also:

By Mr. Crowe:

H. J. R. 2. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and two members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

On motion of Mr. Crowe, the rules were suspended and the resolution, H. J. R. 2, was adopted.

## COMMITTEE APPOINTED

In accordance with the provisions of H. J. R. 2 heretofore adopted, the Speaker appointed as a committee on the part of the House, Messrs. Cates, Moore (W) and Roberts.

Also:

By Mr. Crowe:

H. J. R. 3. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint session of

the House and Senate be held at 6:15 P. M. on Feb. 1, 1977 for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the House, to be named by the Speaker of the House, and a committee of two from the Senate to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

On motion of Mr. Crowe, the rules were suspended and the resolution, H. J. R. 3, was adopted.

#### COMMITTEE APPOINTED

In accordance with the provisions of H. J. R. 3 heretofore adopted, the Speaker appointed as a committee on the part of the House, Messrs. Moore (S), Armstrong and Porter.

Also:

By Mr. Crowe:

H. J. R. 4. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two Houses adjourn today, they adjourn to meet again on Thursday Feb. 3, 1977.

On motion of Mr. Crowe, the rules were suspended and the resolution, H. J. R. 4, was adopted.

Also:

By Mr. Crowe:

H. J. R. 5. WHEREAS, the lower 48 United States are experiencing a dire need for natural gas, the impact of which is causing serious economic and citizen hardships, and

WHEREAS, the vast discovery of natural gas in the Prudhoe Bay Field on the North Slope of Alaska will offer a new supply source that could improve the requirements of our residential, commercial and industrial sectors, and

WHEREAS, Southern Natural Gas Company, the major supplier of natural gas to the State of Alabama, has negotiated a contract with the State of Alaska for the purchase of a significant quantity of the royalty natural gas from Alaska, and

WHEREAS, under the terms of the contract between Southern Natural Gas Company and the State of Alaska, approximately 650 billion cubic feet of natural gas would be delivered to our area of the country over a period of twenty years, and

WHEREAS, this contract must be approved by the Legislature of the State of Alaska.

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the State of Alabama urges the Legislature of our sister state, the State of Alaska, to lend its approval to this contract and to take the necessary steps to the end that the contract will be ratified and the natural gas can be expeditiously transported for use by our citizens and industries.

## 1st Day

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Clerk of the House to the Governor and Lieutenant Governor of the State of Alaska, to the Congressional Delegation from the State of Alaska and to the Congressional Delegation from the State of Alabama.

## MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Crowe to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 5, was lost, lacking a four-fifths vote.

Yeas 44; Nays 14.

## Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Callahan, Carothers, Cates, Cross, Crowe, Dial, Drake, Edwards, Folmar, Glass, Hines, Holmes (D), Hopping, Howard, Jackson (F), Lewis, McCulley, McNees, Merrill, Moore (O), Moore (W), Owens, Plaster, Quarles, Rich, Roberts, Sandusky, Sasser, Smith (C), Smith (M), Sonnier, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley and White.

—44

## Nays:

Messrs.: Barron, Campbell, Gregg, Hall, Hilliard, Holley, Johnstone, Leonard, Lockett, McNair, Pegues, Riddick, Smith (B) and Wyatt.

—14

The resolution, H. J. R. 5, was read and referred to the standing Committee on Rules.

## REPORT FILED

Pursuant to Senate Bill, 128, Act 512, of the Regular Session of 1976 Legislature, Rep. Hugh Merrill, Chairman, submitted the report adopted by the Joint Committee to Implement the Provisions of the Sunset Law, and the report was ordered filed.

## MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Mr. Riddick offered the motion to reconsider the vote by which the resolution, H. J. R. 5, was lost, and the motion to reconsider was adopted.

Yeas 54; Nays 2.

## Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Boles, Brindley, Campbell, Carothers, Carter, Cooper, Crawford, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Higginbotham, Holley, Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Killian, Lee, Lutz, McCluskey, McMillan, McNair, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Quarles, Riddick, Roberts, Sandusky, Sasser, Smith (B), Starkey, Trammell, Tucker, Turnham, Venable, Warren, Weeks and White.

—54

Nays: Messrs.: Barron and Gregg.

—2

REGULAR SESSION

7

1st Day

And the resolution, H. J. R. 5, was again taken up.

RESOLUTION ADOPTED

On motion of Mr. Crowe, the rules were suspended and the resolution, H. J. R. 5, was adopted.

Yeas 48; Nays 1.

Yeas:

Mr. Speaker, Andrews, Boles, Brindley, Callahan, Carothers, Carter, Cates, Cooper, Crawford, Cross, Crowe, Dial, Falkenburg, Folmar, Ford, Gafford, Goodwin, Hall, Higginbotham, Holley, Holmes (A), Hopping, Jackson (F), Johnstone, Lee, Leonard, Lutz, McCluskey, McMillan, Manley, Merrill, Morris, Naramore, Owens, Reed, Roberts, Sandusky, Sasser, Shelton, Smith (C), Smith (J), Starkey, Tucker, Venable, Waggoner, Warren and Williams.

—48

Nay: Mr. Barron.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

NOTICE IN WRITING

Mr. Riddick filed the following Notice in Writing:

Notice is hereby given that on the next Legislative Day I shall move that Rule 16 of the General Rules of Order and Procedure of the House of Representatives be amended by adding to House Rule 16 the following:

“provided, however, that beginning on the Sixth Legislative Day, a motion to adjourn will not be in order until and unless the House has transacted business for a minimum of six hours exclusive of any periods of recess or until the House business, as evidenced by the completion of the House Calendar, has been completed.”

FIRST READING ON PREFILED BILLS

Bills which had been prefiled and assigned to appropriate standing committees prior to the convening of this Regular Session, pursuant to Joint Rule 10 of the two Houses of the Legislature, were introduced, severally read one time, and formally referred to the same committees, as follows:

By Mr. Gafford:

H. 1. To amend the title and Section 1 of Act No. 1137, H. 1757, 1973 Regular Session (Acts of 1967, p. 1921; now appearing in Code of Alabama, Recompiled 1958, Title 36, Section 58(74c)) entitled, “An Act To authorize the State Safety Coordinating Committee to allocate any of its funds to the Department of Education to establish a special fund to be designated as the ‘Driver Education and Training Fund’ for the express purpose of instituting and conducting a program of preclicensing driver education and training”; so as to extend the allocation of driver education funds to any educational institution in Alabama.

State Administration.

By Mr. Turnham:

H. 2. To provide for a comprehensive child abuse and neglect reporting and investigative system administered by the Department of Pensions and Securities; to provide for a local child protective service in each county to receive complaints; to require the local services to provide a community child protection plan for the local service; to provide a statewide protection center and central state registry to receive and preserve certain records of alleged child abuse and neglect; to require certain persons to report known or suspected neglect and abuse; to require reporting to a medical examiner in certain cases; to authorize protective custody of abused children in certain cases; to provide for a system of reporting of child abuse; to provide immunity from civil or criminal liability for good faith compliance with this act; to abrogate certain privileged communications, providing misdemeanor punishment for failure to report; to provide for confidentiality of records made by the Department and local services; to authorize educational programs on child abuse; to provide for the appointment of a guardian ad litem in proper cases, and to specifically repeal Act No. 2422, 1971 Regular Session and Act No. 563, 1965 Regular Session.

Ways and Means.

By Mr. Biddle:

H. 3. To prohibit the abuse, neglect or exploitation of aged or disabled adults; to provide protective services for such persons; to require mandatory reporting by physicians and others of abuse, neglect or exploitation of such persons; to exempt persons reporting such abuse, neglect or exploitation from civil or criminal liability in connection with such reporting; to prescribe penalties for the abuse, neglect or exploitation of aged or disabled adults; and to provide penalties for failure of physicians and other practitioners of the healing arts to report such abuse, neglect or exploitation.

State Administration.

By Mr. Biddle:

H. 4. To amend further Section 34, Title 36, Code of Alabama 1940, relating to tire equipment on motor vehicles, so as to allow a certain grace period to provide a person with time to correct the deficiency of any unsafe tires before any fine is levied or prosecution started, to exempt all farm vehicles and sales at wholesale of motor vehicles, and to provide a maximum fine of \$25.

Commerce and Transportation.

By Messrs. Starkey, Coburn, Hill, McMillan, Kinsey, Crowe, Mitchem, Cross, Greer, Killian, Drake, Sparks, Lutz, Rich, Ford and Goodwin:

H. 5. To require the State Highway Department to maintain and keep in good repair all school bus routes and mail routes in counties where the Highway Department is charged with the duty of construction and maintenance of county roads and bridges.

Highway Safety.

By Mr. Jackson (F):

H. 6. To amend Section 1 of Act No. 441, H. 916, Regular Session 1976 (Acts 1976, p. 542), which relates to counties having populations of not less than 34,000 nor more than 34,800 according to the most recent federal decennial census; to provide an additional expense allowance for members of the governing body of any such county payable out of county funds.

Local Legislation No. 1.

REGULAR SESSION  
1st Day

9

By Mr. Falkenburg:

H. 7. To amend the Title and Section 1 of Act No. 1006, H. 111, 1973 Regular Session (Acts of 1973, p. 1541), entitled, "An Act Relating to counties having a population in excess of 600,000 inhabitants; providing that automotive parts businesses, antique dealers, flea markets, gift shops, and shops operated at hospitals, public parks, public airports, public auditoriums and civic centers or bowling alleys in such counties may operate on Sunday," so as to provide that organized trade shows in which no retail sales to the public are permitted and which shows are sponsored by the area chamber of commerce, may operate on Sunday.

Local Legislation No. 2.

By Mr. Martin:

H. 8. Relating to the State Ethics Act of 1973; to amend further Section 2 of Act No. 1056, S. 1, Regular Session 1973 (Acts 1973, p. 1699), so as to redefine the term "public official" by removing from the definition members of certain city and county boards, commissions, committees, authorities, or councils.

Local Government.

By Mr. Gregg:

H. 9. To amend Section 9 of Act No. 182, S. 442 of the 1976 Regular Session, which act pertains to the commutation of time for certain prisoners for good behavior, so as to make its provisions applicable after the effective date of this act and to remove any retroactive applications.

State Administration.

By Mr. Folmar (With Notice and Proof):

H. 10. Relating to Pike County, increasing the pistol permit fee in said county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 10, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Turnham:

H. 11. To authorize the state department of education to establish and maintain public (kindergarten programs as an integral part of the public) schools in Alabama, and to provide an appropriation from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1978.

Ways and Means.

By Mr. Riddick:

H. 12. To amend Section 9 of Act No. 2479, H. 2083, Regular Session 1971, (Acts of 1971, p. 3958) which section prescribes prima facie evidence or fraudulent intent, by adding a definition of prima facie evidence of the identity of the maker or drawer of a worthless check.

Judiciary.

By Mr. Crowe:

H. 13. To amend the Title and Sections 1, 4, 7, 8, 9, 12, 14, 15, 20 and 21 of the Alabama Turnpike Authority Act pertaining, respectively, to legislative purpose, powers of the Authority, bonds and notes of the

Authority, security for the bonds, tolls and other charges, exemptions from taxation, projects to be kept in good repair, regulations and police service for projects, refunding bonds and preliminary study of projects.

Ways and Means.

By Mr. McNair:

H. 14. To amend further Section 2 of Act No. 248, H. 580, Regular Session 1945 (General Acts 1945, p. 376), which act creates a civil service system for employees of counties having populations of 400,000 or more according to the last or any future Federal census and certain cities in such counties, so as to require the personnel board to make provisions for including handicapped persons, as well as certain regulations for such persons into the merit system for such counties and cities.

Local Legislation No. 2.

By Mr. McNair:

H. 15. To amend further Act No. 249, H. 492, Regular Session of 1967 (Acts of 1967, p. 629; now appearing in Code of Alabama, Re-compiled 1958, Title 55, Section 244 (9), so as to include the dean of Miles College Law School as an ex officio member of the council of the state law institute.

Judiciary.

By Mr. Falkenburg:

H. 16. To provide for the definition of death in cases where respiratory and cardiac functions are maintained by artificial means, to further provide that nothing in the Act shall be construed to prohibit a physician from using customary procedures for determining death in other cases, and to make additional provisions pertaining to the determination of death in those cases in which some part of the body is to be donated for transplantation.

Health.

By Mr. Gafford:

H. 17. Relating to banking; to provide for the establishment, with the prior consent of the Superintendent of Banks, of branch banking offices of banks organized under the laws of the State of Alabama within the county wherein the bank maintained its principal banking office, in any county within which the bank maintains a branch banking office on July 1, 1976, and in any county (contiguous to the county) within which the principal banking office of the bank is located; to provide certain limitations on the establishment of branch banking offices in counties contiguous to the county of location of the principal banking office; to prohibit as unlawful branch banking the removal of the main or principal banking office in certain cases; to prohibit as unlawful branch banking any bank from becoming a subsidiary of a bank holding company or other company unless such bank shall have been actively engaged in the conduct of a banking business for at least five years except under certain prescribed conditions; to prohibit as unlawful branch banking any bank from merging with or into or consolidating with or transferring assets to or acquiring assets of any other bank or banks except under certain prescribed conditions; to provide for the continued maintenance of branch banking offices upon a bank becoming a subsidiary of a bank holding company or other company or upon the conversion, merger or consolidation of one or more banks; to permit any bank to establish, operate, maintain, remove or relocate offices, facilities or places of business other than principal or branch banking offices; to validate the lawfulness of branch banking and other offices or facilities existing on



REGULAR SESSION  
1st Day

11

the effective date hereof; to repeal acts inconsistent herewith; to provide that the provisions of this Act are severable and to provide for the effective date of this Act and sections hereof.

Banking.

By Mr. Gafford:

H. 18. To exempt all disability income from state income taxation; and to authorize the commissioner of revenue to promulgate any reasonable rules and regulations necessary to carry out the provisions of this act.

Ways and Means.

By Mr. Reed:

H. 19. To bestow honorary state citizenship on Clarence Norris who has been granted a full pardon by the Pardons and Parole Board of the State of Alabama.

Judiciary.

By Mr. Smith (B):

H. 20. To be known as the Alabama Rules of the Road Act, providing rules of highway and traffic safety, establishing general rules relating to the effect of traffic laws, establishing certain traffic laws and penalties for the violation thereof, providing for the establishment of traffic signs, signals and markings, and providing for certain powers of the state highway department and the department of public safety of this state; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

Highway Safety.

By Mr. Sasser:

H. 21. To amend further Code of Alabama 1940, Title 36, Section 34, relating to tire equipment on motor vehicles, so as: To allow a certain grace period in which to correct the deficiency of any unsafe tires before any fine is levied or prosecution started; to exempt all farm vehicles, utility trailers and vehicles, motorcycles, and free wheels on trucks from tire regulations; to provide a maximum fine for a violation of such section; and to repeal conflicting laws.

State Administration.

By Mr. Sasser:

H. 22. To provide that any insurance company in the State of Alabama that sells homeowners or casualty insurance on real and personal property shall pay full face value on a total loss; to provide that such company shall pay current market value on items that have appreciated in value on a partial loss; and requiring sight inspection by such company or its representative to determine the amount of insurance a person may purchase.

Insurance.

By Mr. Sasser:

H. 23. To amend further Title 46, Section 70, Code of Alabama 1940, relating to the state licensing board for general contractors, so as to further regulate the meetings of such board.

State Administration.

By Messrs. Sasser and Gafford:

H. 24. To amend Section 10 of Act No. 703, H. 544 of the 1951 Regular Session (Acts, 1951, Vol. II, p. 1211) which section relates to joint

appropriations by counties and incorporated municipalities for office space, maintenance and supplies necessary in administering county public welfare programs, so as to require the joint appropriations therefor on a pro rata basis according to the population, except for supplies which are permissive; and to require that the state director of space management must approve the adequacy of office space.

Local Government.

By Mr. Sasser:

H. 25. To prescribe that any person traveling by commercial airline in the authorized service of the state shall be reimbursed for such transportation in an amount not to exceed the tourist fare.

State Administration.

By Mr. Sasser:

H. 26. To regulate education leave for classified employees in state service.

Ways and Means.

By Mr. Pegues:

H. 27. To amend the title and Sections 1, 4, 6, 8 and 10 of Act No. 14, H. 5, Special Session of 1969 (Acts 1969, p. 28), which act established the Alabama Commission of Higher Education, so as to further provide for the powers, duties and authority of the Commission.

State Administration.

By Mr. Folmar:

H. 28. To make supplemental appropriations from the Special Educational Trust Fund to certain colleges and universities for operation and maintenance in the fiscal year ending September 30, 1977.

Ways and Means.

By Mr. Holley:

H. 29. Proposing an amendment to the Constitution of Alabama of 1901 to provide for the removal, within a prescribed time, of the Coffee County courthouse from Elba and of the annex thereto from Enterprise to New Brockton, provided a majority of the electors voting in the constitution amendment election in Coffee County approved such an amendment; and to authorize the governing body of Coffee County to accept any financial aid offered to it, including aid from the federal government.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Mr. Brindley:

H. 30. To further amend Section 2 of Act No. 470, S. 182, 1969 Regular Session, as amended, [Acts 1929, page 912; now appearing in Title 55, Section 488(2), Code of Alabama 1940], so as to allow out-of-state travel for employees of institutions under control of the state board of education and employees of local boards of education without prior authorization by the governor, provided such travel shall have been authorized by the president of the institution or the local superintendent of education involved.

Ways and Means.

By Mr. Brindley:

H. 31. To validate in certain cases elections heretofore held in any school district or in any county at large for the purpose of authorizing a special tax for any school or educational purpose, or for school or educational purposes generally, under the constitution or any amendment thereto, or for the purpose of authorizing the consolidation of school districts and the levy of such tax in the consolidated district resulting from such consolidation.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Turnham:

H. 32. To amend the title and further amend Sections 1, 3, 4 and 5 of Act No. 755, 1967 Regular Session (Acts of Alabama 1967, Vol. II, p. 1609), as amended, entitled "To provide Supernumerary Tax Collectors, Tax Assessors, License Commissioners, or other elected officials charged with the assessment and/or collection of any ad valorem taxes [in the various counties of the State of Alabama; describing their duties; setting up their requirements and qualifications; fixing their compensation; status and tenure of office; and providing for the payment of their salaries," so as to provide further for the requirements, qualifications and compensation for such Supernumerary Tax Collectors, Tax Assessors and License Commissioners, or other elected officials charged with the assessment and/or collection of any ad valorem taxes] in this state, in the various counties of the State of Alabama having a population of less than 600,000 inhabitants.

Ways and Means.

By Messrs. Gafford and Callahan:

H. 33. Relating to certain positions in the State Department of Revenue, providing that the salaries to be paid to such positions shall be the same as that paid to the positions of Attorney III Supervisor.

Ways and Means.

By Messrs. Plaster and Smith (C):

H. 34. To amend the title and further amend Sections 1 and 2 of Act No. 756, H. 733 of the 1951 Regular Session (Acts 1951, Vol. II, p. 1307), relating to municipalities acquiring, owning and leasing projects for the purpose of promoting industry and trade and regulating pollution, so as to include any tourist or amusement facilities or amusement parks.

State Administration.

By Messrs. Plaster and Smith (C):

H. 35. To amend the title and further amend Sections 1 and 2 of Act No. 648, S. 518 of the 1949 Regular Session (Acts, 1949, p. 991), relating to the incorporation by municipalities of nonprofit public corporations for the purpose of promoting industry, developing trade and utilizing agricultural and natural resources, so as to include any tourist or amusement facility or amusement parks.

State Administration.

By Messrs. Gafford, Folmar, Waggoner and Biddle:

H. 36. To amend further Section 2, Act No. 100, Second Special Session 1959, the State Sales Tax Act, so as to provide that where any used part of an automotive vehicle or a truck trailer, semitrailer or a

house trailer is taken in trade as a credit or part payment on the sale of a new or rebuilt part, the sales tax shall be paid on the net difference, and to provide that this provision shall not be construed to include tires and batteries.

Ways and Means.

By Mr. Riddick:

H. 37. Relating to public safety, requiring submission of proof of financial responsibility as a condition precedent to the registration or licensing of motor vehicles in Alabama and prescribing penalties.

Insurance.

By Mr. Reed:

H. 38. To make an appropriation from the Special Educational Trust Fund for the support and maintenance of the Tuskegee Institute, located in Macon County.

Ways and Means.

By Mr. Armstrong:

H. 39. To designate the department of pensions and security as the single state agency to develop, administer and determine eligibility for medical assistance in conformity with Title XIX of the social security act.

Health.

By Mr. Dial:

H. 40. To amend Section 18 of Act No. 403, H. 330, 1971 Regular Session (Acts 1971, p. 689), entitled "An Act Requiring the registration and licensing of barbers and barber apprentices, and barber colleges, creating for the administration of this Act a State Board of Barber Examiners, and defining violation of this Act and prescribing penalties therefor," so as to add Cleburne County to the list of counties to which the Act does not apply.

Local Legislation No. 1.

By Mr. Dial:

H. 41. To grant to counties and municipalities acting separately or jointly the power to acquire and develop industrial or commercial parks, to sell or lease all or part of said parks to private enterprises or other public entities, and to finance such acquisition and development by the issuance of general obligation warrants and refunding warrants of the participating governmental units, to authorize the pledging of taxes in payment thereof, to exempt actions hereunder from other laws of the state, including those respecting financial control, and to declare the provisions hereof severable.

Local Government.

By Mr. Dial:

H. 42. To authorize the incorporation with respect to the several counties in this state, of nonprofit public corporations for the purpose of acquiring, enlarging, improving, replacing, expanding, owning, leasing and disposing of properties for the purpose of promoting industry, developing trade, and furthering the use of agricultural, natural and human resources; to provide for the issuance by any such corporation of interest bearing revenue bonds and other interest bearing revenue securities payable solely out of the revenues and receipts from any such properties; to authorize the refunding of any such bonds or securities; to

**REGULAR SESSION**  
**1st Day**

15

exempt from all taxation in this state each such corporation, its property, corporate activities, income, revenues, securities, the income from its bonds or securities, and conveyances, leases and mortgages to which such corporation is a party; to exempt such corporations from the laws of the state governing usury or prescribing interest rates; to exempt such corporations and all contracts made by it from the laws which provide for competitive bids in connection with certain contracts; to authorize certain conveyances to any such corporation by certain other public corporations and the assumption of the indebtedness thereof.

Local Government.

By Mr. McNair:

H. 43. To provide for and require an independent audit of all funds controlled by any public school.

Ways and Means.

By Mr. Mitchem:

H. 44. To further regulate the dairy industry of this state by removing all controls and restrictions setting a minimum retail price for milk.

Agriculture.

By Mr. Mitchem:

H. 45. To permit schools and non-profit institutions to purchase milk and other products distributed by dairy producers in accordance with the competitive bid provisions of Act No. 217, S. 23, Special Session of 1967 (Acts 1967, p. 259) and to stipulate that milk and other products distributed by dairy producers sold to these agencies must be provided by Alabama producers, if available.

Agriculture.

By Mr. Taylor:

H. 46. To propose and provide for the submission of an amendment to the Constitution of Alabama which revises the entire Constitution of Alabama of 1901, as amended, with the exception of Article VI which has heretofore been adopted.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Lee:

H. 47. Relating to all counties having a population of not less than 115,000 nor more than 150,000 inhabitants according to the 1970 or any subsequent federal decennial census; providing for additional times when real property may be returned and valued for ad valorem tax purposes.

Local Legislation No. 1.

By Mr. Wyatt:

H. 48. To amend Code of Alabama 1940, Title 55, Section 317 so as to lift the prohibitions on state employee participation in political activities and to repeal all conflicting statutes.

Constitution and Elections.

By Mr. Holmes (D):

H. 49. To provide a low-income-dependent tax credit against state income taxes for certain low-income residents of Alabama; and to give this Act retroactive effect

Ways and Means.

By Mr. Rich:

H. 50. To amend the Alabama Civil Defense Act, Act No. 47, Regular Session 1955 [Acts 1955, p. 267, now appearing as Title 37A, Sections 19(66)-19(90), Code of Alabama, 1940, Recompiled 1958], so as to authorize state grants for local civil defense and emergency preparedness programs.

Ways and Means.

By Mr. Dial:

H. 51. To amend Section 1 of Act No. 165, H. 130, 1971 Special Session (Acts of 1971, p. 4413), entitled, "An Act Relating to counties having a population of not less than 10,900 nor more than 11,500 according to the most recent federal decennial census; to provide for the payment of a clerk hire allowance in the Probate Judge's office of such counties," so as to increase the amount of such allowance; to provide that such allowance shall be paid from any available county funds and to provide that the provisions of this act shall be retroactive to January 17, 1977.

Local Legislation No. 1.

By Mr. Dial:

H. 52. To provide an expense allowance for the coroner and to authorize the coroner to appoint a deputy coroner in all counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the 1970 or any subsequent federal decennial census.

Local Legislation No. 1.

By Mr. Waggoner:

H. 53. Providing that all duly appointed and commissioned reserve or auxiliary sheriffs, deputy sheriffs, state troopers, municipal police officers and auxiliary civil defense policemen shall have the same authority to make arrests as is currently possessed by full time law enforcement officers in this state.

State Administration.

By Messrs. Ford and Taylor:

H. 54. To provide a cost of living benefits increase for certain retired members of the teacher retirement system and to the dependent surviving spouse of any such person who is receiving benefits from such system; to appropriate funds for such increment from such funds as the state contributions to said system are paid; and to repeal any conflicting statutes.

Ways and Means.

By Messrs. Ford and Taylor:

H. 55. Amending further Title 52, Section 366, Code of Alabama 1940, Recompiled 1958, as amended, which relates to teachers' retirement benefits, so as to provide further for disability retirement.

Ways and Means.

By Mr. Edwards:

H. 56. To amend Section 520, Title 52, Code of Alabama 1940, as amended, relating to the appointment of the board of trustees of the Alabama Institute for Deaf and Blind, so as to provide further for the appointment of board members.

Education.

By Mr. Cooper:

H. 57. To regulate the purchase, possession, manufacture, distribution and sale of alcoholic beverages; to provide for the sale of alcoholic beverages by private businesses; to provide for a five-year phase out period of the Alabama alcoholic beverage control board; to provide for the liquidation of inventories and facilities of the alcoholic beverage control board and the distribution of the proceeds therefrom; to provide for the issuance of any permits, licenses and the administration of this Act; to provide penalties for violations of the provisions of this Act; and to repeal conflicting statutes.

Ways and Means.

By Mr. Cooper:

H. 58. To amend further Section 1 of Act No. 529 of the 1949 Regular Session of the Alabama Legislature (Acts of 1949, p. 827), as amended, which relates to plumbers and plumber examining boards in certain counties classified on a population basis.

State Administration.

By Mr. Cooper:

H. 59. To amend Code of Alabama of 1940, Title 52, Sections 358, 359, and 361, as last amended, which relate to teacher employment, so as to further regulate employment contracts of teachers and cancellations thereof, the rights of teachers and employing boards relative to contracts, cancellations, suspensions and transfers of teachers, reviews, and other remedies; and to repeal conflicting laws.

Education.

By Mr. Cooper:

H. 60. To make a certain appropriation from the General Fund to cover expenses incurred by state Representative Gary Cooper while attending the annual conference of the Southern Growth Policies Board.

Ways and Means.

By Mr. Cooper:

H. 61. To further amend Section 1 of Act 206, H. 1, of the Third Special Session of 1975 (Acts 1975, p. 474), as amended, which provides a longevity pay bonus for certain state law enforcement officers so as to include under the provisions of said act the security law enforcement officers for the State Docks.

Ways and Means.

By Mr. Cooper:

H. 62. To require at least one member of the board of registrars in all counties having populations of not less than 300,000 nor more than 600,000 according to the 1970 or any subsequent decennial census to visit each legislative house district for the purpose of accepting forms for the reidentification of voters and for the purpose of accepting applications for the registration of voters; to provide for the designation of places to be visited; to provide further for the compensation and mileage of members of the board.

Local Legislation No. 3.

By Mr. Cooper:

H. 63. To propose an amendment to the Constitution of 1901, to restore civil rights to persons convicted of crimes, after full execution of their sentence.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Cooper:

H. 64. To appropriate monies from the Alabama Special Educational Trust Fund for support of "Opportunities Industrialization Centers" designed to enable certain economically disadvantaged, unemployed and underemployed persons to secure and retain employment at their maximum capacity and to prescribe regulations applicable to the expenditure of such monies.

Ways and Means.

By Mr. Cooper:

H. 65. To create a commission to study and improve the management effectiveness and efficiency of the public system of higher learning; to make an appropriation from the Alabama Special Educational Trust Fund to carry out the provisions of this Act.

Ways and Means.

By Mr. Cooper:

H. 66. To provide for review of the sentence of an offender when the punishment for that crime of which such offender was convicted is reduced.

Judiciary.

By Mr. Cooper:

H. 67. Relating to Mobile County, to repeal Act No. 290, H. 817, Regular Session 1935 (Local Acts 1935, p. 180), as amended by Act No. 61, H. 231, Regular Session 1945 (Local Acts 1945, p. 53), which act creates a barber's licensing commission for said county.

Local Legislation No. 3.

By Mr. Cooper:

H. 68. To amend Section 16, Title 42 and Section 16 of Title 17 of the Code of Alabama 1940, Recompiled 1958, and Section 18(2) of Title 42, Code of Alabama 1940, Recompiled 1958, as enacted by Act No. 599, S. 496, Regular Session 1951 (Acts 1951, pp. 1030-1037), and as now appearing as said Section 18(2), Title 42, Code of Alabama, all of which relate to the restoration of certain civil and political rights to persons convicted of criminal offenses, so as to remove the discretionary power of the pardons and parole board to grant restoration of such rights and to make restoration of such rights automatic when the offender is not actually confined within a penal institution.

Judiciary.

By Mr. Baker:

H. 69. To amend Section 5, Act 160, Third Special Session, 1971 Legislature, providing for maintenance of property values and ownership maps in each county after completion of the statewide reappraisal program; providing that the Department of Revenue establish such a program for uniformity of procedures and records; providing that field men involved in classifying property shall have one year experience in appraisal of real property; providing the method for payment of such maintenance appraisal and mapping program. Repeals laws in conflict with this Act.

Ways and Means.

By Mr. Riddick:

H. 70. Providing that any person who impersonates any law enforcement officer shall be guilty of a felony.

Judiciary.



REGULAR SESSION  
1st Day

19

By Mr. Riddick:

H. 71. To prohibit the taking, catching, capturing or killing of game or non-game fish by use of gill, trammell, or similar type net in the public streams and public bodies of water in this state and to prescribe penalties.

Conservation.

By Messrs. Smith (B), Lee, McCorquodale and Robertson:

H. 72. To make child abuse a criminal offense in Alabama; to define the offense of child abuse; and to prescribe the penalty to be imposed on any person found guilty of such offense.

Judiciary.

By Mr. McCluskey:

H. 73. To make appropriations for the support and maintenance of Talladega College.

Ways and Means.

By Mr. Smith (J):

H. 74. To amend further the Code of Alabama 1940, Title 51, Section 15, as amended, relating to the exemption of homesteads from state ad valorem taxes, so as to increase the amounts of assessed value exempted.

Ways and Means.

By Mr. Smith (J):

H. 75. To amend further Section 144, Title 45, Code of Alabama 1940, so as to increase the daily allowance for feeding prisoners in county jails.

Ways and Means.

By Mr. Smith (J):

H. 76. To prescribe penalties for any person responsible for child support incident to a divorce decree or any other order for child support who fails to make such payments and leaves the State, or who leaves the State and subsequently fails to timely make such payments.

State Administration.

By Mr. McCluskey:

H. 77. To make appropriations for the support and maintenance of Talladega College.

Ways and Means.

By Messrs. Turnham, McCorquodale, Crowe and Sasser:

H. 78. Relating to education; requiring all public high schools to give instruction to all students on the essentials and benefits of the free enterprise system; prescribing duties of the State Board of Education, the State Department of Education and Boards of Education of each school district; and establishing an effective date.

Education.

By Messrs. Pegues, Merrill, Callahan, White, McCorquodale, Gafford, Cates, Lockett, Smith (C), Manley, Armstrong and Dial:

H. 79. To make an appropriation for the support and maintenance of the Marion Institute, located in Perry County.

Ways and Means.

## INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Messrs. Sandusky and Cross:

H. 80. To provide for the payment of tuition and the cost of textbooks for an undergraduate student in a state college, junior college, or university, who is the child of a law enforcement officer or fire fighter killed in line of duty; to create a Tuition Eligibility Board to administer the provisions of the Act, and to prescribe its composition, duties and responsibilities; to appropriate necessary funds from the Special Education Trust Fund.

Ways and Means.

By Mr. Sandusky:

H. 81. To amend further Section 18 of Act No. 2431, H. 2569, Regular Session 1971 (Acts 1971, p. 3880 et. seq.), which relates to dog racing and wagering thereon in certain counties based on a population basis, so as to provide further for the distribution of the revenues received under said Act.

Local Legislation No. 3.

By Mr. Sandusky:

H. 82. To provide that all municipalities located in any county of the state having a population of more than 300,000 and less than 600,000, according to the 1970 or any subsequent federal decennial census, shall have authority, after notice as herein provided, to remove and demolish buildings and structures, parts of buildings and structures, party walls and foundations when the same are found by the governing body of such municipality to be unsafe to the extent of being a public nuisance; to provide for a hearing by the governing body if requested; to provide that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building or structure was located and that such assessment shall constitute a lien on said property; and to provide a method of collecting such assessments.

Local Legislation No. 3.

By Mr. McCulley:

H. 83. To further amend Section 2 of Act No. 669, H. 792, General Acts of Alabama 1939 (General Acts of Alabama 1939, p. 1064), now appearing in the Code of Alabama 1940, Recompiled 1958, as Title 48, Section 301(2) and commonly referred to as the Alabama Motor Carrier Act of 1939, as last amended, so as to exempt motor vehicles hauling dirt, sand or gravel from the provisions of the act.

State Administration.

By Mr. McCulley:

H. 84. To provide that all liquified petroleum gas which is purchased from gas fields in Alabama shall be either metered or weighed and an invoice showing the amount of gas purchased shall be given to the purchaser or his agent and prescribes penalties for the violation of the provisions of the act.

State Administration.

By Messrs. Gafford, Holmes (A), Robertson, White, Williams, McCluskey, Biddle, Morris, Callahan, Gregg, Pegues, Crowe, Warren, McNees, Folmar, McNair, Waggoner, Holmes (D), Smith (C), Higginbotham, Howard, Sasser, Smith (J), Sonnier, Roberts, Martin, Lutz, Lee,

REGULAR SESSION  
1st Day

21

Manley, Moore (O), McMillan, Trammell, Sandusky, Smith (B), Killian, Campbell, Baker, Rich, Kinsey, Leonard, Whatley, Quarles, Goodwin, Falkenburg, Boles, Hall, Jackson (R), Jolly, Hilliard, Cross, Naramore, Smith (M), Reed, Porter, Shelton, Moore (W), Glass, Johnstone, Buskey, Kennedy, Carothers, Drake, Taylor, Holley, Owens, Albright, Coburn, McCulley, McCorquodale, Clark, Armstrong, Dial, Riddick, Merrill, Weeks, Crawford, Carter, Lewis, Starkey, Ford, Edwards, Cooper, Turnham, Cates, Brindley and Kelley:

H. 85. To authorize the legislature of the State of Alabama to control the usage of certain parking spaces on certain streets immediately adjacent to the capitol grounds in the City of Montgomery; and to direct the Chief of Services of the Division of Services to work in cooperation with the legislature as herein provided.

Banking.

By Messrs. Gafford, Biddle, Callahan, Sasser, Clark, Armstrong, McNees, Weeks, Coburn, Crawford, Carter, Waggoner, Owens, Starkey, Falkenburg, White, Smith (J), Sonnier, Roberts, Martin, Lutz, Pegues, Moore (O), Plaster, McMillan, Sandusky, Baker, Higginbotham, Whatley, Quarles, Cross, Moore (W), Carothers, Brindley, Albright and Morris:

H. 86. Relating to the regulated loan business; providing for regulation, examination, investigation, and licensing of individuals, firms, and corporations engaged in the business of making regulated loans and for the suspension and revocation of licenses issued hereunder for specified reasons; prescribing maximum rates of interest and other charges for loans; providing for the administration and enforcement of the Act, prescribing penalties, providing for the proper repeal of existing laws, including Section 18 (f) of Act No. 2052, S. B. 122 of the Regular Session of 1971, approved October 1, 1971, relating to loans over \$300.00 and Act No. 374, H. B. 102 of the Regular Session of 1959, approved November 6, 1959, relating to the small loan business and Act No. 159, H. B. 233, approved June 23, 1945 (General Acts of Alabama, 1945, page 200), relating to the small loan business and providing for regulation of the same.

Banking.

By Messrs. Merrill, Naramore and Crowe:

H. 87. To make an appropriation for the support and maintenance of the Walker County Junior College located in Jasper, Walker County, Alabama for the fiscal year ending September 30, 1977.

Ways and Means.

By Mr. Crowe:

H. 88. To further authorize each District Attorney to employ assistants to be paid from funds appropriated or otherwise available for that purpose and to provide for the submission of a unified budget for the funding of the Office of District Attorney of the several Judicial Circuits.

State Administration.

By Messrs. Naramore and Crowe:

H. 89. To provide sick leave for full-time support personnel who are non-certificated educational employees in city and county school systems and the Alabama Institute for Deaf and Blind.

Ways and Means.

By Mr. Killian:

H. 90. Amending Title 61, Section 193, Code of Alabama 1940 which relates to the appraisalment of decedents' personal estates so as to increase the fees paid to appraisers for such services from two dollars (\$2.00) per day to twenty-five (\$25.00) per day.

Judiciary.

By Messrs. Higginbotham, Turnham and Whatley:

H. 91. To authorize each municipality in this state to acquire, finance, establish, own, use, operate, manage and control parks, playgrounds and recreational or athletic areas situated wholly or in part outside of its corporate limits; to provide the conditions upon which a park, playground, or recreational or athletic area may be used or established within the corporate limits or police jurisdiction of another municipality or within a county other than that in which a municipality establishing the same shall be situated; to provide that all authority heretofore and hereinafter granted to municipalities with respect to parks, playgrounds and recreational or athletic areas within the corporate limits of a municipality shall be applicable to and may be exercised by a municipality with respect to any park, playground or recreational or athletic area located wholly or in part outside its corporate limits; to provide that a municipality may join and cooperate with one or more municipalities in acquiring, financing, refinancing, providing, establishing, installing, using and managing parks, playgrounds, and recreational or athletic areas, making the same common to the use of such municipalities and in fixing and charging fees and making rules and regulations for the conduct, management and use thereof and providing that all municipalities shall jointly have the same powers and authorities conferred by the act upon each; to authorize governing bodies of two or more municipalities to establish jointly an authority as a public corporation for the purposes of acquiring, financing, refinancing, providing, establishing, installing, using of managing parks, playgrounds, and recreational or athletic areas, making the same common to the use of such municipalities or in fixing and charging fees and in making rules and regulations for the conduct, management and use thereof; to provide that neither the act nor anything therein contained shall be construed as a restriction or limitation upon any power which a municipality might otherwise have under any laws of the state.

Local Government.

By Messrs. Reed, Merrill and McNair:

H. 92. To make appropriation for the support and maintenance of the Tuskegee Institute located in Macon County for the current fiscal year.

Ways and Means.

By Mr. Killian:

H. 93. To amend Title 36, Section 2, Code of Alabama 1940 relative to punishment for driving while intoxicated, so as to raise the minimum fine to \$250.00.

Judiciary.

By Mr. Killian:

H. 94. To amend Section 68, Title 36, Code of Alabama 1940, which relates to the cancellation, suspension and revocation of a driver's license or driving privilege, so as to regulate further conditions prerequisite to the mandatory revocation of a driver's license or driving privilege upon conviction for driving while intoxicated or while an habitual user of narcotic drugs.

Judiciary.

By Mr. Killian:

H. 95. To amend Section 7 of Act No. 159, S. 289, Regular Session of 1969 [(Acts 1969, p. 441) now appearing in Code of Alabama Recompiled 1958, Title 23, Section 78(55)], as amended, known as the "Relocation Assistance Act of 1969", so as to provide that in all highway condemnation cases, the court shall not be informed as to how much, if any, money has been paid to the property owner for relocation expenses.

Judiciary.

By Mr. Killian:

H. 96. Relating to carriers; requiring liquid pipeline systems used by carriers in the transportation of liquid petroleum to comply with certain standards of safety; granting certain additional rights, powers and authority to the Alabama Public Service Commission to carry out the purposes of this act; prescribing jurisdiction of courts for injunctive proceedings; and prescribing monetary sanctions for violations of certain standards of safety.

Highway Safety.

By Mr. Killian:

H. 97. To provide that the Public Service Commission, Division of Pipeline Safety, shall promulgate and enforce safety standards and regulations pertinent to the use of natural gas in certain public buildings; to prescribe a penalty for violation of such standards and regulations and otherwise effectuating this act.

State Administration.

By Mr. Killian:

H. 98. To amend Section 347(a) and Section 350(a) of Title 22, Code of Alabama, 1940, to define the respective jurisdictions of the County and Municipal Governments with relation to Solid Waste collection and disposal.

Local Government.

By Messrs. Biddle, Waggoner, Armstrong, Carter and Starkey:

H. 99. Further regulating the trapping of fur-bearing animals in the State of Alabama; Amending Title 8, Section 91, Code of Alabama, 1940 (Recompiled 1958) so as to increase the fees chargeable for the issuance of trapping licenses, prescribing additional regulations relative to traps and designating additional criminal offenses relative to trapping of fur-bearing animals; and placing strict civil liability upon persons who cause injury or damages to persons or property as a result of trapping fur-bearing animals.

Conservation.

By Messrs. Manley, Armstrong, McCluskey, Clark and Harris:

H. 100. To adopt a Code of laws for the State of Alabama.

Judiciary.

By Messrs. Manley, Armstrong, McCluskey, Clark and Harris:

H. 101. To create the Alabama Code Commission and to provide for continuing Code Revision.

Judiciary.

By Messrs. Manley and Johnstone:

H. 102. Proposing an amendment to the Constitution of Alabama further amending Section 144, Article VI, of the Constitution of Ala-

bama; providing for a Probate Court in each county, with general jurisdiction of orphans' business, and adoptions, and with power to grant Letters Testamentary, and of Administration and of Guardianships, and such further jurisdiction as may be provided by law.

Judiciary.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Manley and Johnstone:

H. 103. To further amend Section 847 of Title 51 of the Code of Alabama 1940 as heretofore amended by extending each of the time limits set out in said Section 847 by an additional ten days.

Judiciary.

By Messrs. Manley and Johnstone:

H. 104. To further amend Section 712 of Title 51 of the Code of Alabama 1940 as heretofore amended so as to extend by ten days the time allowable for disbursing the money the probate judge receives in respect to motor vehicle licenses and registration fees and to extend by ten days the time allowable to the probate judge for forwarding to the Comptroller and the Department of Revenue a certified list of all motor vehicle licenses issued by the probate judge during the preceding month.

Judiciary.

By Mr. Manley:

H. 105. To amend Section 7 of Act No. 863, S. 441 of the 1975 Regular Session (Acts of 1975, p. 1701), which establishes the Alabama Firefighters Personnel Standards and Education Commission, so as to reduce the minimum age requirements for applicants for firefighting positions.

Public Welfare.

By Mr. Manley:

H. 106. To amend Section 5 and 19 of Act 765, Regular Session, 1973 Alabama Legislature, to remove the requirement of a copy of each security interest document when perfecting a security interest in a vehicle of a type which a certificate of title is required; and for related purposes; and to set an effective date.

Judiciary.

By Mr. Manley:

H. 107. To repeal Sections 420, 421, and 422 of Title 14, Code of Alabama 1940, Recompiled 1958, relative to certain acts which are prohibited on Sundays.

Judiciary.

By Mr. Manley:

H. 108. Relating to elections and voting in them; providing for the use of electronic voting systems in elections; providing the requirements for these systems; providing that procedures to be used in connection with elections in which these systems are used, including additional procedures for dividing precincts and designating voting places therein; providing election officers for such polling places and prescribing duties and compensation of such election officials.

Constitution and Elections.

By Mr. Biddle:

H. 109. To amend Section 4 of Act No. 551, S. 887, Regular Session, 1975, (Acts 1975, p. 1226), so as to allow the Alabama Surface Mining

Reclamation Commission to hire without regard to the provisions of the state merit system.

State Administration.

By Messrs. Biddle, Drake, Smith (J), McMillan, Falkenburg and Crowe:

H. 110. Relating to the registration of voters; amending Title 17, Sections 12, 14, 15, 16, 29, 35, 37, 38, 40, 43 and 53 relating to registration of voters, eligibility, appeals, production of forms, duties of the probate judge and registrars, registration procedures; amending Sections 1, 2 and 2(a) of Act 586, 1959 Regular Session, relating to purging registration lists; amending Sections 1 and 2 of Act 253, 1964 Special Session, relating to meetings of the boards of registrars; amending Section 1 of Act 6, relating to times of registration before elections; amending Sections 1 and 2, Act 266, 1949 Regular Session, relating to notification of prior registration in one county by a subsequent county; amending Section 7, Act 750, 1951 Regular Session, relating to purging procedures; generally amending those acts and code sections to insert references to deputy registrars and to assign certain duties now performed by boards of registrars to the probate judge in counties of 100,000 population or more; adding new sections providing rules for determining registration; providing for time off to vote; relating to the time of meetings and duties of registrars; providing for the appointment of deputy registrars; providing for oath of office of registrars and their duties; establishing the content of the registration forms; requiring the permanent preservation of reservation forms; providing for changes of registration information; requiring registration officials to provide registration lists to the secretary of state to compile a state-wide list of voters; providing for voluntary removal of a voter's name from the registration list; providing for procedures relating to purging voters from the registration lists; allowing the secretary of state to issue regulations regarding voter registration; requiring the secretary of state to issue regulations to compile and maintain a central clearing house of voter information; repealing Title 17, sections 13, 17, 18, 19, 20, 25, 26, 27, 28, 30, 31, 32, 33, 41, 44, 45, 46, 47, 48, 49, 50, 51, 52 and 54; repealing Act No. —, 1959 Regular Session; repealing Act 577, 1959 Regular Session; repealing Act No. 346, 1945 Regular Session; repealing Act No. 92, 1961 Regular Session; repealing Act No. 529, 1957 Regular Session; repealing Sections 1 through 12 of Act No. 750, 1951 Regular Session; repealing Act 604, 1969 Regular Session; repealing Act No. 2426, 1971 Regular Session, providing for severability of the act; providing for an effective date of the act and requiring the attorney general to submit the act for approval under the federal Voting Rights Act.

Constitution and Elections.

By Messrs. Crawford, Carothers, Turnham, McMillan, Cates, Whatley, Williams, Sasser, Baker, Smith (M), Smith (C), Smith (J), Venable, Hines, Folmar and McCluskey:

H. 111. Relating to the eradication and control of swine diseases: to make an appropriation to the department of agriculture and industries for the fiscal year ending September 30, 1978, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Ways and Means.

By Mr. Crawford:

H. 112. To amend Section 747 of Title 37, Code of Alabama 1940, as amended, to authorize municipalities to levy an increased license tax on banks and branch banks.

Ways and Means.

By Mr. Crawford:

H. 113. To further amend Section 429, Title 51, Code of Alabama 1940, as amended, to eliminate restrictions against levy and assessment of excise or license taxes by municipalities and counties.

Ways and Means.

By Messrs. Baker and Whatley:

H. 114. To permit any city in the State of Alabama having a population of not less than 23,000 nor more than 27,000 inhabitants according to the 1970 or any subsequent federal decennial census to adopt the council-manager form of municipal government, to provide for the calling and holding of elections to vote thereon, to provide for the election and term of the first council, to define the legal status, form of government and powers of the city, to provide for subsequent elections of members of the council, their number and their terms of office, to provide for the qualification, powers and authority of the council, the mayor and the city clerk, and for the election of the mayor and city clerk, to provide for the appointment and removal and to define the powers of the city manager, to provide for an annual budget, its preparation, submission, adoption and effect, to create and define the powers and duties of a department of finance and of the director thereof, to regulate purchases and contracts of the city, and to define their powers and authority, to set up the terms and effects of succession in government of any city adopting the council-manager form of government, to provide for the establishment and re-establishment of districts, to make various other provisions for such form of government of any such city, and to provide for the means of abandoning the council-manager form of government.

Local Legislation No. 1.

By Mr. Callahan:

H. 115. To amend Section 18 of Act No. 205 enacted at the 1955 Regular Session of the Legislature of Alabama (Acts of 1955, p. 500), the Act being entitled "An Act to authorize the Governor, the Director of Finance, and the Attorney General to become a public corporation for the purpose of acquiring land from the State or otherwise upon which it shall, at a cost not to exceed four million dollars, construct, operate and maintain, or cause to be constructed, operated and maintained, an office building or buildings, the space therein to be rented to officers, agencies, boards, commissions, corporations and bureaus of the State of Alabama and of the United States; and in order to provide funds therefor, to authorize said corporation to borrow money, issue and sell its bonds and pledge its income; to authorize the filing for record of an instrument reciting the issuance of said bonds, and the creation of said pledge as a lien on said income which filing will constitute constructive notice; to authorize the conveyance to said corporation of lands owned by the State; to confer on the corporation the power of eminent domain; to provide for the lease to and by officers, agencies, boards, commissions, corporations and bureaus of the State of Alabama and of the United States of space for occupancy in said building or buildings; and to provide that any properties of the corporation and the income therefrom and any securities issued and the income therefrom and any leases made and any lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that any securities issued by the corporation may be used as security for deposits of and for investment of public funds and shall constitute negotiable instruments; to authorize publication of notice of the resolution authorizing any securities and to specify a limitation of time thereafter for actions or defenses respecting said securities or pledge; to provide for dissolution of said corporation



and conveyance of its properties to the State upon payment of said securities," so as to provide that the Authority set up by that Act shall not be dissolved until all securities issued and obligations incurred by it have been paid in full.

Ways and Means.

By Mr. Callahan:

H. 116. To authorize Alabama Building Authority to sell and issue not exceeding \$7,000,000 principal amount of bonds for the purpose of constructing public office building facilities and altering, constructing additions to, and improving public office building facilities, and for the procurement of sites and equipment for such facilities or additions thereto; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of the bonds of the Authority; to provide that all properties of the Authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the Authority and shall not create an obligation or debt of the State; to provide that any bonds issued by the Authority may be used as security for deposits and investment of public funds and fiduciary funds; to specify the application of the proceeds of the bonds of the Authority; to provide for the construction of public office building facilities, the alteration, construction of additions to, and improvement of public office building facilities and for the equipment of such facilities or additions thereto by the Authority; to authorize the conveyance to said Authority of lands owned by the State; to create a reserve fund for the benefit of the bonds of the Authority; to authorize the Authority to pledge such revenues from its facilities which may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said revenues which filing will constitute constructive notice; to provide that the State Treasurer shall be the custodian of the funds of the Authority; to provide for the lease to and by agencies, boards, commissions, public corporations, bureaus and departments of the State of Alabama and of the United States of space for occupancy in said facilities or additions thereto; and to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said Bonds or pledge.

Ways and Means.

By Mr. Callahan:

H. 117. To authorize Alabama Building Finance Authority to sell and issue not exceeding \$7,000,000 principal amount of bonds for the purpose of constructing public office building facilities and altering, constructing additions to, and improving public office building facilities, and for the procurement of sites and equipment for such facilities or additions thereto; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of the bonds of the Authority; to provide that all properties of the Authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the Authority and shall not create an obligation or debt of the State; to provide that any bonds issued by the Authority may be used as security for deposits and investment of public

funds and fiduciary funds; to specify the application of the proceeds of the bonds of the Authority; to provide for the construction of public office building facilities, the alteration, construction of additions to, and improvement of public office building facilities and for the equipment of such facilities or additions thereto by the Authority; to authorize the conveyance to said Authority of lands owned by the State; to create a reserve fund for the benefit of the bonds of the Authority; to authorize the Authority to pledge such revenues from its facilities which may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said revenues which filing will constitute constructive notice; to provide that the State Treasurer shall be the custodian of the funds of the Authority; to provide for the lease to and by agencies, boards, commissions, public corporations, bureaus and departments of the State of Alabama and of the United States, and to private parties of space for occupancy in said facilities or additions thereto; and to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said Bonds or pledge.

Ways and Means.

By Mr. Callahan:

H. 118. To amend Section 25 of Act No. 658 enacted at the 1961 Regular Session of the Legislature of Alabama (Acts of 1961, p. 806), the Act being entitled "An Act to authorize the Governor, the Director of Finance, and the Attorney General to become a public corporation to be known as Alabama Building Finance Authority; to provide the procedure for incorporation, to designate the members, directors, and officers of the Authority; to prescribe the powers of the Authority, including the power to provide for the construction, reconstruction, improvement, alteration, and equipment of public office buildings and the acquisition of sites therefor, the power of eminent domain, and the power to sell and issue not exceeding \$4,000,000 principal amount of bonds for such purposes; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of the bonds of the Authority; to provide that all properties of the Authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the Authority and shall not create an obligation or debt of the State; to provide that any bonds issued by the Authority may be used as security for deposits and investment of public funds and fiduciary funds; to specify the application of the proceeds of the bonds of the Authority; to provide for the construction and equipment of buildings by the Authority; to authorize the conveyance to said Authority of lands owned by the State; to create a reserve fund for the benefit of the bonds of the Authority; to authorize the Authority to pledge such revenues from its facilities as may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said revenues which filing will constitute constructive notice; to provide that the State Treasurer shall be the custodian of the funds of the Authority; to provide for the lease to and by agencies, boards, commissions, public corporations, bureaus and departments of the State of Alabama and of the United States, and to private parties, of space for occupancy in said building or buildings; to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or

REGULAR SESSION  
1st Day

29

defenses respecting said bonds or pledge; and to provide for dissolution of said Authority and conveyance of its assets and properties to the State upon payment of said bonds," so as to provide that the Authority set up by that Act shall not be dissolved until all securities issued and obligations incurred by it have been paid in full.

Ways and Means.

By Mr. Callahan:

H. 119. To remove civil and criminal liability of any person, hospital or associated organization who refuses to participate in an abortion procedure.

Health.

By Mr. Callahan:

H. 120. To further amend Section 9, Title 14, Code of Alabama 1940, as heretofore amended, so as to further regulate the conditions and circumstances under which abortions may be performed; to provide for the filing and keeping of records required by this act; to provide for the rendition of medical assistance whenever an abortion procedure authorized by this act results in a live birth; to provide that persons and hospitals may elect not to participate in the performance of abortions; to revise the penalty for the performance of a criminal abortion.

Health.

By Mr. Callahan:

H. 121. To amend further Act No. 763, H. 286, Regular Session 1973 (Acts 1973, p. 1145), which relates to subsistence allowances for law enforcement officers while on duty and to authorize expenditure of funds for that purpose, so as to add Department of Finance, Division of Service.

Ways and Means.

By Mr. Callahan:

H. 122. To amend Title 33, Section 64, Code of Alabama 1940 Recompiled 1958, relating to mechanic's liens and assignment thereof, so as to provide further for the transfer of such liens to security by a deposit of money or bond with the court.

Judiciary.

By Mr. Callahan:

H. 123. To require health insurance policies to contain maternity provisions for unmarried women and to provide coverage for the child of an unmarried woman.

Insurance.

By Mr. Callahan:

H. 124. To amend Act No. 96, H. 17, Special Session 1971 (Acts 1971, p. 166), which act levys a license tax for the leasing of certain tangible personal property, so as to provide exemptions of amounts paid by radio and television broadcasters for the right to broadcast copyrighted material, and for certain other audio or visual properties provided by licensors to such broadcasters.

Ways and Means.

By Mr. Callahan:

H. 125. To further amend Section 1 of Act No. 217, S. 23 of the 1967 First Special Session (Acts 1967, Vol. 1, p. 259), as amended, which

act relates to competitive bidding and the expenditure of public funds, so as to include the Alabama state docks department in the provisions of the act which excludes them from the requirement of competitive bids where the amount is less than \$2,000.00.

Ways and Means.

By Mr. Callahan:

H. 126. To require a notification procedure for the issuance by counties, cities, towns, municipalities and public corporations of industrial revenue bonds under Act No. 178 enacted at the 1961 Extra Session of the Alabama Legislature (1961 Acts, p. 2147, et seq.), as amended (relating to industrial revenue bonds to be issued by counties), Act No. 756, enacted at the 1951 Regular Session of the Alabama Legislature (1951 Acts, p. 1307, et seq.) as amended (relating to industrial revenue bonds to be issued by municipalities), Act No. 648, enacted at the 1949 Regular Session of the Alabama Legislature (1949 Acts, p. 991, et seq.) as amended (relating to industrial revenue bonds to be issued by industrial development boards), Act No. 516, enacted at the 1955 Regular Session of the Alabama Legislature (1955 Acts, p. 1160, et seq.) as amended (relating to industrial revenue bonds to be issued by medical clinic boards), Act No. 4, enacted at the 1956 Second Special Session of the Alabama Legislature (1956 Acts, p. 240, et seq.), as amended (relating to industrial revenue bonds to be issued by certain municipalities to finance hotel and motel projects), Act No. 337 enacted at the 1971 Third Extra Session of the Alabama Legislature (1971 Acts, p. 4625, et seq.) (relating to industrial revenue bonds to be issued by certain municipalities to finance hotels and motels projects), to provide, in addition to their present functions and duties, the functions and duties of the Alabama Securities Commission and its Director (established under Act No. 740 enacted at the 1969 Regular Session of the Alabama Legislature, Acts of 1969, p. 1316, et seq. with respect to such industrial revenue bonds, to establish and provide for the membership, functions and duties of the State Industrial Revenue Bond Advisory Council; to authorize the issuance of stop orders by the Alabama Securities Commission and/or the Director delaying or prohibiting the issuance of industrial revenue bonds; to provide for certificates of notification by the Director, the effect of such certificate, and a remedy for failure or refusal of the Director to issue such certificate; to provide for the assessment of filing fees by the Securities Commission; to provide criminal penalties for willful violations of this act or stop orders issued thereunder; and to provide relief from stop orders of the Director by re-adoption by the governing body of the issuer of the authorizing proceedings, or from stop orders issued by the Alabama Securities Commission by judicial validation under Title 7, Section 169, et seq., Alabama Code of 1940, as amended (relating to the judicial validation of securities issued by counties, cities and towns) and Act No. 859 of the 1953 Regular Session of the Alabama Legislature (Acts of 1953, p. 1148, et seq. (relating to the judicial validation of securities issued by boards and public corporations) and as supplemented in this act for proceedings hereunder, and relief from stop orders of the Council by such judicial validation.

Banking.

By Mr. Callahan:

H. 127. To authorize the superintendent of the state department of education to contract with any independent firm of his choice, within or without the state and without regard to the state competitive bid laws, for the purpose of conducting an independent study and presenting a program for the regional day school educational needs of the deaf in

**REGULAR SESSION**  
**1st Day**

31

Alabama, and appropriates a supplemental amount not to exceed \$100,000 out of the Alabama Special Education Trust Fund, to cover the cost of such study, to the state department of education for the current fiscal year; and to require that the state superintendent of education report the conclusions and recommendations to the legislature by the first day of the 1978 Regular Session.

Ways and Means.

By Mr. Callahan:

H. 128. To appropriate the sum of One Million Seven Hundred Seventy-three Thousand Dollars (\$1,773,000.00) or so much thereof as may be necessary from the General Fund of the State to the Department of Conservation and Natural Resources, Division of State Parks, Monuments and Historical Sites, for the purpose of acquiring, by purchase or condemnation, approximately eight and one-half (8½) miles constituting the westernmost part of Dauphin Island, Mobile County, Alabama, and to authorize the use of any available federal matching funds as may be necessary for the purchase of said property, and to further provide that after purchase of said property by the State same may only be used for public park and recreational purposes as other Division of Parks' lands are managed.

Ways and Means.

By Mr. Callahan:

H. 129. To amend Section 2 of Act No. 474, H. 202, of the 1961 Regular Session of the Legislature of Alabama entitled "An Act providing for the relocation of utility facilities when necessitated by Federal-aid highway system projects; providing for the payment of the costs of such relocations by the State as highway construction costs upon Federal participation and Federal funds being actually collected by the State; prescribing the authority of the State Highway Director in regard thereto; providing for the method of paying or reimbursing said utilities; and repealing all conflicting laws."

Ways and Means.

By Mr. Callahan:

H. 130. To exempt the Particular Council of Mobile Society of St. Vincent de Paul from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Mr. Callahan:

H. 131. To exempt the Little Sisters of the Poor Home For the Aged, Inc. from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Mr. Callahan:

H. 132. To exempt the Allen Memorial Home, Inc. from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Mr. Callahan:

H. 133. To exempt the Villa Mercy, A Corporation, from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Messrs. Dial, Pegues, Edwards, Campbell, Moore (O), Mitchem, Kelley, Cross, Whatley and Holmes (D):

H. 134. To further amend the Code of Alabama 1940, Title 51, Section 15, as amended, relating to the exemption of homesteads from the state ad valorem taxes so as to provide an increased exemption for all persons in the state regardless of disability or age.

Ways and Means.

By Mr. Dial (With Notice and Proof):

H. 135. Relating to Clay County; to change the method of compensating the judge of probate, the tax assessor, the tax collector, the clerk of the circuit court and the register of the circuit court; and to fix the compensation for each of such officers, subject to the ratification of a constitutional amendment.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 135, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Dial and Brindley:

H. 136. To amend Act No. 1276, 1973 Regular Session, to provide the coordinators and directors of federal programs incident to education shall be covered under the Alabama Teacher Tenure Law.

Ways and Means.

By Mr. Dial:

H. 137. To authorize the county commission in all counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the 1970 or any subsequent federal decennial census to appropriate from the county general fund the necessary funds to adequately support those little league athletic programs directly affiliated with any of the public schools in such counties and to provide retroactive effect for said act.

Local Legislation No. 1.

By Mr. Dial:

H. 138. To exempt the Fruithurst Rescue Squad, the Cleburne County Rescue Squad and the Ranburne Rescue Squad from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Messrs. Weeks and McNeese:

H. 139. To provide for and authorize the incorporation of a public corporation as a political subdivision of the state to be named Buttahatchee River Development Authority, for the development of the Buttahatchee River, its tributaries and watershed, for the purposes of navigation, water conservation and supply, flood control, irrigation, industrial development, public recreation and related purposes; to provide for the composition of the board of directors of the Authority; to specify the powers and duties of the Authority and its board of directors; to authorize the Authority to investigate the resources of the Buttahatchee River watershed, to determine requirements for its full development and control, and to carry out a unified comprehensive program of resource development, together with other powers to effectuate the foregoing objective; to authorize the Authority to acquire land and interests in land by purchase, construction, lease, condemnation or otherwise, and

to hold, manage and sell such land and interests therein; to make provisions respecting the establishment and revision of rates, fees and charges for services rendered by the Authority; to provide for the issuance by the Authority for any of its corporate purposes of interest-bearing revenue bonds and notes payable solely out of the revenues of the Authority or out of the revenues of any particular facilities and other property of the Authority, without regard to the specific facilities and other property with respect to which such bonds and notes may have been issued; to provide that such bonds and notes shall constitute negotiable instruments; to provide that such bonds and notes may be secured by a pledge of the revenues from which they are payable, by contracts binding the Authority for the proper application of its revenues and the proceeds of such bonds and notes and by a nonforeclosable mortgage or deed of trust or statutory mortgage lien on the facilities and other property out of the revenues from which such bonds and notes are payable, and to provide that bonds and notes of the Authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by the Authority of obligations respecting facilities and other property acquired by the Authority; to provide for the use of the proceeds of bonds and notes issued by the Authority; to provide for the refunding, by the issuance of bonds and notes of the Authority, of bonds and notes therefore issued or obligations theretofore assumed by it; to provide that bonds and notes issued and contracts entered into by the Authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or other political subdivision of the state; to authorize Marion and Lamar Counties and the municipalities located therein to contribute money to the Authority, without the necessity of an election and with or without consideration therefor; to exempt from all taxation in this state, the Authority, its property, corporate activities, income, revenues, bonds and notes, the income from its bonds and notes, and conveyances, leases and mortgages and deeds of trust to which the Authority is a party, and to exempt the Authority from payment of certain charges to Judges of Probate; to provide that the Authority shall be exempted from regulation and supervision by the Public Service Commission and the State Department of Finance; to provide for the use of public roads in the state by the Authority; and to provide for certain annual reports by the Authority.

Local Legislation No. 1.

By Messrs. White, Waggoner, Falkenburg, Moore (O), Gafford and Biddle (With Notice and Proof):

H. 140. Relating to Jefferson County; to authorize and provide for additional funds from the (general funds of) the county and each municipality located therein for the maintenance and operation of the Jefferson County Board of Health, including, but not limited to, the employment of personnel, the acquisition of land, the erection, construction, extension, renewal and repair of buildings and improvements thereon, which are related to or required by the prescribed duties of the Jefferson County Health Officer.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 140, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. McCluskey, McMillan, Pegues, Dial, Edwards, Hines, Owens, Campbell, Roberts, Weeks, Rich, Cross, Martin, Goodwin, Naramore, Starkey, Killian, Brindley, Jolly, Moore (W), Carter, Lutz, Gregg,

Riddick, McNees, Moore (O), Trammell, Leonard, Biddle, Callahan, Sandusky, Kinsey, Folmar, Venable, Cates, Smith (J), Carothers, Crawford, Whatley, Barron, Wyatt, Jackson (F), Holmes (D), Smith (C), Higginbotham, Waggoner, Holley, Taylor, Warren, White and Plaster:

H. 141. To prescribe and establish monetary limits payable on claims and judgments based on tort liability and filed or obtained against governmental entities; to define terms.

Local Government.

By Messrs. Harris, Drake, Manley and Merrill:

H. 142. To authorize the Alabama Court of Criminal Appeals to hire three staff attorneys and one stenographer and to pay the necessary salaries and expenses thereof, in addition to the staff presently employed by said Court.

Ways and Means.

By Mr. Drake:

H. 143. To amend Act No. 1163, H. 1829, 1973 Regular Session [Acts 1973, p. 1948; now appearing in Code of Alabama, Recompiled 1958, Title 13, Sections 522-534] known as the judicial retirement act; to allow prior service credit to certain judicial officers.

Ways and Means.

By Mr. Drake:

H. 144. Relating to motor vehicles; requiring as a condition of registration that every person applying for the registration or licensing of a motor vehicle shall secure and pay the premium on a motor vehicle liability insurance policy issued by an insurance company authorized to transact business within the State of Alabama, or otherwise establish financial responsibility, and to facilitate the procuring of such insurance to provide for an assigned risk plan among insurance companies for the equitable apportionment among such companies of undesirable risks.

Insurance.

By Mr. Drake:

H. 145. To further amend Section 33 of Act No. 100, H. 94, 1959 Second Special Session (Acts of 1959, p. 315), as amended, entitled "An Act To raise revenue; levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom; superseding Article 10 of Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented," so as to exempt LP gas used by agricultural producers from the state sales tax.

Ways and Means.

By Mr. McCorquodale:

H. 146. To propose an amendment to the Constitution of Alabama repealing "The Annual Sessions Amendment" to such Constitution and reinstating all the provisions of the Constitution governing dates and times of meetings of the legislature and lengths or duration of regular and special sessions thereof; and to make an appropriation to be used in defraying the expenses of the election on this proposed amendment.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.



REGULAR SESSION  
1st Day

35

By Mr. Drake (With Notice and Proof):

H. 147. To authorize and direct the Cullman County Commission to levy and provide for the collection of an additional tax on motor fuels, and to provide for distribution and use of the proceeds from the tax.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 147, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Drake:

H. 148. To prohibit the catching or capturing, or the attempting to catch or capture a fox or a raccoon with any kind of trap; and to prescribe penalties for violations.

Conservation.

By Messrs. Drake, Goodwin, Roberts and Ford:

H. 149. To amend Act No. 1233, Regular Session 1975, to include educators as persons exempted from civil liability when rendering emergency care.

State Administration.

By Messrs. Drake, Smith (J), Crowe, McMillan, Goodwin, Roberts and Ford:

H. 150. Relating to elections; to amend the nominating procedure by changing the date for primaries, beat or mass meetings, canvass and tabulation of returns, refusal of runoff and certification of nominees and independent candidates; for such purposes, to amend Act No. 1196, S. 1018, 1975 Regular Session (Acts 1975, p. 2349) which relates to primary elections; to repeal Code of Alabama 1940, Title 17, Section 145; and to repeal other conflicting laws.

Constitution and Elections.

By Messrs. Drake, Smith (J), Crowe, McMillan, Goodwin, Roberts and Ford:

H. 151. To provide further for the conduct of elections in the State of Alabama, including reporting of and limitation on political contributions and expenditures, prohibiting specified acts in connection with elections, and providing for definitions of certain words and phrases used in the Act; to exclude from certain provisions of the Act candidates with respect to which expenditures aggregating less than \$1,000 are made; to provide for certain requirements in connection with the organization and operation of political committees including the officers thereof, the manner of receiving and holding contributions thereby, record keeping practices of such committees, retention of records, notice of unauthorized activities, designation by a candidate of a principal campaign committee, and the filing of reports with such principal campaign committee; to provide for the registration of political committees, the contents of registration statements, amendments to registration statements, notice in the event of disbanding of political committees and of certain other events, and the filing of reports by political committees other than principal campaign committees; to provide for reports of receipts and expenditures, including the deadline for the filing of such reports, the contents of such reports, the periods required to be covered by such reports, reporting of contributions or expenditures by persons other than a political committee or a candidate;

to provide for preservation of copies of reports required under the Act, treatment of debts, pledges, etc. in reports, and to make provision for filing by registered or certified mail; to provide for reports by persons other than an individual or political committee; to authorize private corporations to make political contributions; to provide for campaign depositories, petty cash funds and the mode and manner of making deposits to and withdrawals from such depositories and funds; to provide for a State Election Commission, to provide for the members and terms of members of such Commission and the mode and manner of appointment of such members, to prohibit from membership on the Commission any person who has qualified to run for office or who has held any federal, state or local public office within five years prior to appointment, to provide for the officers of the Commission, to provide for the compensation and reimbursement of expenses of officers of the Commission, to provide for the power of the Commission, including the power to promulgate and adopt rules and regulations, to issue subpoenas and compel testimony, to institute and prosecute actions in the courts, and to appoint hearing examiners to take evidence in matters before the Commission, to provide for the duties of the Commission in implementing the provisions of the Act, to provide that the Secretary of State shall perform the ministerial functions of the Commission, to provide for the manner of filing and hearing complaints of violations of the Act and of other election laws by the Commission, to provide for remedies to be applied by the Commission upon the finding of a violation of the provisions of the Act or of the election laws of the State, to provide for the calling of new elections in the event of certain violations of the Act and the manner of holding such elections, to provide for the time within which the Commission must act in considering complaints brought under the provisions of the Act and for appeals from certain orders of the Commission, to provide that the Attorney General shall provide legal advice to the Commission and shall represent the Commission in court proceedings; to provide limitations on contributions and expenditures of persons, firms, corporations, labor unions, political committees, candidates and others, to provide for the adjustment of limitations on expenditures based on the consumer price index; to provide for permissible use of contributed amounts remaining after payment of the campaign expenditures; to prohibit intimidation of voters, to declare intimidation of voters to be a criminal act, and to provide penalties therefor; to prohibit expenditures to influence voting, to declare the making of expenditures to influence voting a criminal act, and to provide penalties therefor; to prohibit the promise of appointment by a candidate in certain cases, to declare the promise of appointment by a candidate a criminal act in certain cases, and to provide for penalties therefor; to prohibit promise of employment or other benefit for political activity, to declare promise of employment or other benefit for political activity a criminal act, and to provide for penalties therefor; to prohibit deprivation of employment or other benefit for political activity, to declare deprivation of employment or other benefit for political activity a crime, and to provide a penalty therefor; to prohibit publication or distribution of political statements without identification of the persons sponsoring such statements, to declare publication or distribution of political statements without identification of the persons sponsoring such statements a crime, and to provide a penalty therefor; to prohibit contributions in the name of another, to declare the making of contributions in the name of another a crime, and to provide a penalty therefor; to limit contributions of currency, to declare contributions of currency in excess of such limitation to be criminal acts, and to provide penalties therefor; to prohibit fraudulent misrepresentation of campaign authority, to declare fraudulent misrepresentation of campaign authority a crime and to provide

penalties therefor; to enumerate and define certain other practices at elections as corrupt practices; to repeal certain laws including Sections 268 to 286, inclusive, of Title 17 of the Code of Alabama of 1940, as amended, laws prohibiting private corporations and utilities from making campaign contributions, and all other laws in conflict with the provisions of the Act to the extent of such conflict; to declare that the provisions of the Act are severable and that a ruling that one portion of the Act is unconstitutional or invalid shall not affect the remaining portions of the Act; to provide for the effective date of the Act.

Constitution and Elections.

By Mr. Lutz:

H. 152. To amend the Title, Section 1 and Section 2 of Act No. 539, H. 201, 1975 Regular Session (Acts of 1975, p. 1192) which provides that driver licenses and non-driver identification cards bear photographic likeness of the recipient, so as to require that emergency medical data also be placed on all driver licenses and non-driver identification cards.

Judiciary.

By Mr. Lutz:

H. 153. To amend Section 4-106 of Act No. 1205, S. 400, 1975 Regular Session (Acts of 1975, p. 2384), relating to the establishment of a unified judicial system for the State of Alabama, so as to eliminate the requirement that a warrant magistrate be a law graduate in order to issue a search warrant.

Judiciary.

By Messrs. Lutz, Waggoner, Armstrong, Carter, Roberts, Martin and Gafford:

H. 154. To amend Section 290 and 291 of Title 28, Code of Alabama 1940, and Section 282 of Title 28, Code of Alabama 1940, as amended by Section 1 of Act No. 561, Regular Session 1975, Section 285 of Title 28, Code of Alabama 1940, as amended by Section 4 of Act No. 561, Regular Session 1975, all of which provide for credit unions in Alabama, so as to provide for an increased maximum of the par value of a share, to eliminate unnecessary language concerning loans, to elect a president who is an employee of the credit union and to remove statutory restrictions on the disbursement of loan funds.

Banking.

By Mr. Lutz:

H. 155. To prohibit the obtaining of or attempt to obtain certain settlements, releases or statements from certain injured persons; to repeal conflicting laws; and for other purposes.

Judiciary.

By Messrs. Albright, Gregg, Lutz, Riddick, Smith (B), McNees, Carter, Moore (W), Drake, Ford, Merrill, Holmes (D), Glass, Callahan, Sandusky, Holley, Folmar, Smith (J), Plaster, Owens, Pegues, Hilliard, Jackson (R), Gafford, Reed, McCorquodale, Starkey, Quarles, Whatley, Turnham, Crawford, Venable, Brindley, Naramore, Johnson, Lee, Hall, Boles, Holmes (A), Hopping, Falkenburg and Porter:

H. 156. To appropriate \$7,000.00 from the Special Education Trust Fund for the purpose of sending the Lee High School Band of Huntsville to Washington, D. C. to represent Alabama in the presidential inauguration parade.

Ways and Means.

By Mr. Reed:

H. 157. To provide a fair employment practices act in Alabama; to define and prohibit certain discriminatory hiring practices relating to race, sex, age, religion, creed and national origin; to require public contracts to include nondiscrimination clauses; to provide for a commission known as the "fair-employment practices commission" to hear complaints of alleged discriminatory hiring practices; to provide for the powers, functions and duties of the commission; to provide for the administrative procedure of hearing and deciding upon alleged discriminatory practices; to grant certain injunctive powers in the commission to end such practices; to provide for judicial review of administrative decisions of the commission; to prescribe penalty for willfully violating an order of the commission; and to repeal conflicting laws.

Public Welfare.

By Mr. Holmes (A):

H. 158. To propose and provide for the submission of an amendment to the Constitution of Alabama.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Holmes (A):

H. 159. To propose and provide for the submission of an amendment to the Constitution of Alabama relating to representation, the procedure for legislative reapportionment and congressional redistricting; repealing and superseding Sections 50, 197, 198, 199, 200, 201, 202 and 203 of the Constitution of Alabama of 1901, as amended, and all other conflicting provisions thereof.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Gafford:

H. 160. To create the office of supernumerary legislative consultant; to prescribe the conditions for holding such office and the duties, powers, authority and compensation therefor, and the method for removal from the office; to further establish the Supernumerary Legislative Retirement Fund and provide for the sound administration and supervision thereof; to provide for the qualifications for membership and retirement; to provide for the payment of contributions by members and for the payment of benefits; to provide for the necessary and proper state appropriations from the funds from which salaries are paid.

Ways and Means.

By Messrs. Waggoner and Biddle:

H. 161. To further amend Section 2 of Act No. 100. H. 94, Second Special Session, 1959, relating to revenue, as amended, so as to exclude from the gross receipts tax levied thereby, sales of materials or supplies for use in fulfilling a contract for painting, maintenance, repair or modification of fixed wing aircraft exceeding five (5) tons and rotary wing aircraft exceeding two (2) tons empty weight.

Ways and Means.

By Messrs. Waggoner and Biddle:

H. 162. To further amend Section 788 of Title 51 of the Code of Alabama 1940, as amended, so as to exclude from the excise tax levied thereby, storage, use or other consumption of materials or supplies bought for use in fulfilling a contract for the painting, maintenance, repair or modification of fixed wing aircraft exceeding five (5) tons and rotary wing aircraft exceeding two (2) tons empty weight.

Ways and Means.

By Mr. Waggoner:

H. 163. To amend Section 8 of Act No. 563, S. 8, 1965 Regular Session (Acts of 1965, p. 1049) as amended, entitled, "An Act To provide for the health and welfare of children; requiring the mandatory reporting by physicians, institutions, and others of injuries inflicted, by other than accidental means, upon children under the age of sixteen years; exempting physicians, institutions and others from any liability, civil or criminal, that might otherwise be incurred or imposed for participation in such report; prescribing penalties for failure to report," so as to provide that all records and reports of child abuse and neglect shall be made available to all law enforcement officials.

Judiciary.

By Mr. Waggoner:

H. 164. To amend further Section 263, Title 26, Code of Alabama 1940, relating to the Workmen's Compensation Law so as to exclude from coverage professional athletes and certain performers or attendants incidental to professional athletic events.

Ways and Means.

By Mr. Waggoner:

H. 165. To exempt the United Cerebral Palsy of Alabama, Inc., the Cahaba Valley Youth Farm, the Civettes Club, Inc. of Birmingham and the Alabama Chapter of The Arthritis Foundation from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Mr. Taylor:

H. 166. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to local government and home rule; amending and superseding specifically Sections 38, 39, 40, 41, 89, 220 and 228 and Amendments No. 81, 132, 140, 142, 144 and 184 of the Constitution of Alabama of 1901, as amended; and repealing and superseding all other conflicting provisions of said constitution and amendments thereto.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Taylor:

H. 167. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to the executive department of state government; repealing and superseding Article V of the Constitution of Alabama, as amended, and Amendments No. 38 and 282 and all other conflicting provisions of said constitution.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Martin:

H. 168. To amend further Code of Alabama 1940, Title 37, Section 10, in relation to the incorporation of unincorporated communities, so as to provide for incorporating less than the area contained in the map or plat accompanying the petition for incorporation.

Local Government.

By Messrs. Martin, Roberts, Drake and Cross:

H. 169. To authorize any county or incorporated municipality to issue revenue bonds under the provisions of Subdivision 3 of Article 2 of Chapter 6 of Title 37 of the Code of Alabama of 1940, as amended, for the purpose of refunding the principal of any outstanding general or limited obligation warrants of any such county or incorporated municipality issued (directly or indirectly) for the purpose of financing the acquisition, improvement, enlargement, extension or repair of any water works system, gas system, electric system or sanitary sewer system or that were issued to refund any general or limited obligation warrant or warrants initially issued (directly or indirectly) for any such purpose or purposes, as well as for the combined purpose of refunding the principal of any such general or limited obligation warrants and any other purpose or purposes specified in Section 312 of Title 37 of the Code of Alabama of 1940, as amended.

Local Government.

By Messrs. Martin, Brindley, Smith (J), Venable, Cates, Hall, Goodwin, Moore (O), Leonard, Lee, Sandusky, Barron and Smith (M):

H. 170. To propose and provide for the submission of a constitutional amendment reaffirming the preamble to the Constitution of Alabama and to revise Article I thereof, which Article asserts the Declaration of Rights; and for the repeal of Article I of the Constitution of Alabama of 1901, as amended.

Constitutions and Elections.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Martin, Venable, Roberts, Cross, Folmar and Brindley:

H. 171. Relating to voter registration; to provide for a board of registrars, their duties, terms and compensation; to provide for the registration of electors; to provide for clerical help and office supplies for registrars; to provide for compilation and maintenance of voting records by the board of registrars; to provide for meetings and times and places of registration by the board; to provide for the attendance by at least one registrar at the courthouse on each regular working day except when the full board is in session; to provide for purging of voter lists; to require boards of registrars to administer absentee voting; to provide penalties for certain violations; and to repeal Code of Alabama, Title 17, Sections 12 through 55 inclusive, Act No. 585, H. 216, 1949 Regular Session, Act No. 531, S. 101, 1947 Regular Session, Act No. 577, H. 66, 1959 Regular Session, Act No. 253, H. 11, 1964 Special Session, Act No. 346, H. 250, 1945 Regular Session, Act No. 6, H. 18, 1950 Special Session, Act No. 92, H. 169, 1961 Regular Session, Act No. 482, H. 71, 1947 Regular Session, Act No. 266, S. 122, 1949 Regular Session, Act No. 529, H. 283, 1957 Regular Session, Act No. 829, S. 98, 1965 Regular Session, and Act No. 750, H. 247, 1951 Regular Session.

Constitution and Elections.

REGULAR SESSION  
1st Day

41

By Messrs. Martin, Roberts, Naramore, Cross, Starkey, Carter, Plaster, Smith (C), Wyatt, Weeks, Brindley, Goodwin, McNeese, Albright, Boles, Drake, Sasser, Folmar, Dial, Quarles, Howard, Andrews, Hopping, Johnson and Carothers:

H. 172. Relating to sick leave for teachers in city and county school systems and the Alabama Institute for Deaf and Blind. To amend Title 52, Sections 136 and 197, Code of Alabama, 1940, and Section 2 of Act 688, H. 452, 1951 Regular Session, to allow educators in city and county school systems and the Alabama Institute for Deaf and Blind to accumulate sick leave at the rate of one day for each month employed without limiting the number of days which may be accumulated.

Ways and Means.

By Mr. Taylor:

H. 173. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, to be numbered Article XI thereof, relating to public officers; to supersede the following provisions of the Constitution of Alabama of 1901, as amended: Sections 60, 96, 104(24), 130, 279, 280 and 281 and Amendments No. 2, 4, 26A, 28, 43, 44, 46, 47, 48, 50, 62, 64, 85, 88, 92, 103, 127, 134, 135, 136, 137, 138, 139, 185, 196, 215, 229, 231, 246, 241, 249, 265, 290, 297, 306, 321 and 326; and to repeal all conflicting provisions of said constitution and amendments thereto.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Taylor:

H. 174. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to impeachments; to repeal and supersede Article VII and all other conflicting provisions of said constitution, as amended.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Taylor:

H. 175. To propose and provide for the submission of an amendment to the Constitution of Alabama.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Taylor:

H. 176. To propose and provide for the submission of an amendment to the Constitution of Alabama relating to representation, the procedure for legislative reapportionment and congressional redistricting; repealing and superseding Sections 50, 197, 198, 199, 200, 201, 202 and 203 of the Constitution of Alabama of 1901, as amended, and all other conflicting provisions thereof.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Taylor:

H. 177. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, with respect to miscellaneous provisions pertaining to eminent domain, protection of environment and homestead exemptions; to repeal and supersede Sections 205, 206, 207, 208 and 235 of said constitution, as amended, and all other conflicting provisions thereof.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Taylor:

H. 178. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to public education in this state; repealing specifically Sections 257, 258, 259, 260, 261, 262, 263, 265, 266, 267, 268 and 270 of said Constitution and repealing and superseding Article XIV and Amendments No. 111, 161 and 284 and all other conflicting provisions thereof.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Taylor:

H. 179. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to the mode of amending the Constitution; to repeal, supersede and re-number Article XVIII and Amendment No. 24 of said Constitution and all other conflicting provisions thereof.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Taylor:

H. 180. To propose and provide the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to taxation and debt limitation; superseding and renumbering the provisions of the present Article XI and certain other provisions of said constitution and amendments thereto relating to taxation and debt limitation; validating and ratifying all actions taken and bonds heretofore issued pursuant thereto; superseding specifically Sections 91, 93, 94, 211 through 219, inclusive, and 221 through 226, inclusive, 269 and the following amendments to said constitution: Amendments No. 23, 25, 56, 61, 93, 107, 108, 126, 194, 208, 212, 225, 228, 268, 272, and 325; and repealing all conflicting provisions of said constitution and conflicting amendments thereto.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Taylor:

H. 181. To propose and provide for the submission of a constitutional amendment reaffirming the preamble to the Constitution of Alabama and to revise Article I thereof, which Article asserts the Declara-



## 1st Day

tion of Rights; and for the repeal of Article I of the Constitution of Alabama of 1901, as amended.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Taylor:

H. 182. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to suffrage and elections; repealing and superseding Article VIII of the Constitution of Alabama of 1901 including Sections 177 through 196 inclusive, as amended, and Amendments No. 10, 14, 41, 49, 90, 96, 109, 207, 223, 285, and 322 and all other conflicting provisions of said constitution.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Taylor:

H. 183. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to the legislative department of state government; to repeal specifically the following Sections thereof: 49, 57, 65, 68, 69, 74, 75, 77, 78, 79, 80, 81, 84, 85, 86, 87, 88, 90, 92, 95, 99, 101, 102, 103, 108, 109, 229 and 238; to amend and supersede the following Sections: 44, 45, 46, 47, 48, 51, 52, 53, 54, 55, 56, 58, 59, 61, 62, 63, 64, 66, 67, 70, 71, 72, 73, 76, 82, 83, 97, 98, 100, 104, 105, 106, 107, 110, and 111, and Constitutional Amendments No. 39, 57, 97 and 159; and to supersede and repeal all other conflicting provisions thereof.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Lee:

H. 184. To propose an amendment to the Constitution providing a means of adopting local amendments to the Constitution at local elections.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Hall, Riddick and Gregg:

H. 185. Relating to public health; restricting smoking in certain areas and prescribing penalties for violation of this act.

Health.

By Mr. Hall:

H. 186. Relating to abandoned strip mine reclamation; to provide for a program of control of soil erosion and sediment damage resulting from unreclaimed abandoned strip mines within the state.

Conservation.

By Messrs. Hall, Martin, Brindley, Venable, Smith (J), Lee and Leonard:

H. 187. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to public education in this state; repealing specifically Sections 257, 258, 259, 260, 261, 262, 263, 265, 266, 267, 268 and 270 of said Constitution and repealing and superseding Article XIV and Amendments No. 111, 161 and 284 and all other conflicting provisions thereof.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Hall and Boles:

H. 188. To amend further Section 10 of Title 37, Code of Alabama 1940, relating to the incorporation of certain unincorporated communities so as to further regulate such incorporation in counties having populations of more than 600,000.

Local Legislation No. 2.

By Messrs. Hall, Jackson (R), Trammell, Jolly, Porter, Boles, Biddle, Hopping, McNair, Leonard, Hilliard, Howard, Armstrong, Waggoner, Harrison, Gafford, White and Tucker (With Notice & Proof):

H. 189. Relating to Jefferson County; to authorize the Jefferson County governing body and municipal governing bodies within Jefferson County to regulate the use of explosives for surface mining activities within their respective police jurisdictions.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 189, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Hall and Jolly (With Notice and Proof):

H. 190. Relating to Jefferson County; providing that membership in the Palmyrdale Fire District shall be at the option of certain property owners.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 190, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Hall (With Notice and Proof):

H. 191. To provide transportation for all pupils in the Jefferson County public school system who live more than one and one-half miles from the school which they are attending and to provide transportation for those pupils in said system who live less than said distance from such school if the county school superintendent certifies that such pupils would otherwise have to travel over a dangerous or hazardous route to and from such school.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 191, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

REGULAR SESSION  
1st Day

45

By Mr. Hall (With Notice and Proof):

H. 192. Relating to Jefferson County; prohibiting municipalities in such county from annexing any part of the Center Point fire district unless the whole district is annexed and providing further that any annexation of fire districts by any such municipality must be done in accordance with existing annexation laws of such county and municipalities.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 192, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Hall (With Notice and Proof):

H. 193. To amend the Title and Sections 2 and 13 of Act No. 79, H. 99, 1966 Special Session (Acts of 1966, p. 106), as amended, entitled "An Act To provide in Jefferson County, Alabama, for the creation and maintenance of districts for fighting or preventing fires, districts for the collection and disposal of garbage and districts for both of the aforesaid purposes; to provide that any such district may be created for any area upon the conditions and in the manner provided for in the act; to provide that upon the petition of at least 100 qualified electors residing within any proposed district the probate judge shall call an election at which there shall be submitted to the qualified electors residing within the proposed district the question of whether the proposed district shall be created; to provide what the petition for such election shall contain; to provide for the time and the conduct of such election; to provide that the county shall pay the expense of conducting such election; to provide that if the district is created the district shall reimburse the county for the expenses incurred by the county in respect to the election; to provide that after a district has been established the district shall pay the expense of any election held in the district or held in any area which it is proposed be added to the district; to provide that no district shall be created unless the creation thereof has been approved by the majority of votes cast at the election; to provide that if the creation of the proposed district is approved by the majority of votes cast at the election, the proposed district shall be created and shall constitute a public corporation; to provide that a district may be enlarged by the inclusion of additional area therein, provided the inclusion of such area in the district is approved by the majority of votes cast by the qualified electors residing within the proposed additional area; to provide for the time and conduct of such election; to provide that the affairs and business of the district shall be managed by a board of trustees consisting of five members appointed by the governing body of the county; to provide for the terms of office of the members of the board; to provide that the board of trustees shall elect from its own number a president and a secretary; to provide that the members of the board of trustees shall not be entitled to any compensation for their services but shall be entitled to reimbursement for all expenses incurred by them in the performance of their duties; to define the rights, powers and authority of the districts; to authorize any such district to pledge all or any part of its revenues, or to mortgage or otherwise encumber all or any part of its property for the purpose of securing the payment of the principal of and interest on any of its obligations; to authorize any such district to levy and collect service charges as provided for in the act and, subject to the limitations prescribed in the act, to provide that no such service charge shall be levied unless the same is first approved by a majority of the votes cast at an election held by the qualified electors residing within the district;

to provide for the dissolution of any such district; to provide that the provisions of the act are severable; to repeal all laws, or parts of laws, in conflict with the act; and to provide when the act shall take effect," so as to provide for including medical rescue systems and services in fire fighting or prevention districts and to provide that any service charge to pay for such services or any increase thereof shall not be effective unless adequate prior public notice thereof has been given, and if an election thereon has been petitioned for by the electors of the district, such proposed charges must be approved by a majority of the qualified voters voting in an election held in a district.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 193, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Hall:

H. 194. To amend further Constitutional Amendment 239, proposed by Act No. 132, H. 178, 1964 First Special Session (Acts of 1964, p. 187), as amended by Amendment 314 of the Constitution of Alabama of 1901, proposed by Act No. 506, H. 1406 of the 1971 Regular Session (Acts of 1971, p. 1230), so as to provide for the formation of districts in Jefferson County to provide fire fighting and prevention and medical rescue systems and services, and garbage collection and disposal systems and services; and to permit the legislature to authorize such districts to establish and collect charges for such systems and services, provided, however, such charges or any increase thereof shall not be effective unless adequate prior public notice thereof has been given and, if an election on the proposed charges have been petitioned for by the electors of the district, the same are first approved by a majority of the votes cast in an election held by the qualified electors residing within the district.

Local Legislation No. 2.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Falkenburg and Waggoner:

H. 195. To amend Section 12 of Act No. 407, Acts of Alabama, 1971 Regular Session (Section 12, Title 28A, Code of Alabama 1940, as amended) so as to exempt from the Alabama Insurance Code a trust established by The University of Alabama in Birmingham and its faculty, employees and affiliated organizations for the purpose of wholly or partially providing indemnification against liability claims based upon acts or omissions including without limitations claims based upon malpractice of physicians who are members of the faculty of the University of Alabama School of Medicine and residents and interns employed by the University of Alabama Hospitals for services performed in the Medical Center of The University of Alabama in Birmingham or elsewhere; other employees of the University of Alabama Hospitals and the hospitals located within the Medical Center of The University of Alabama in Birmingham in which such physicians and employees perform services and other persons engaged in the delivery of health care who are associated with the University of Alabama in Birmingham.

Insurance.

By Messrs. Falkenburg and Waggoner:

H. 196. To amend Code of Alabama 1940, Title 45, Section 144, as amended, providing a daily prisoner meal allowance, so as to provide for an increase in such allowance.

Ways and Means.

By Messrs. Falkenburg, Waggoner and White:

H. 197. To recognize the right of an adult person to make a written directive instructing his physician to withhold life-sustaining procedures in the event of a terminal condition; to prescribe the procedure for executing such directive.

Health.

By Messrs. Falkenburg, Waggoner and White:

H. 198. A bill to promote the public health of the State of Alabama by safeguarding the financial integrity of health care institutions against malpractice claims; to authorize the establishment, maintenance, administration and operation of any trust established by hospitals or health care units, licensed as such by the State of Alabama, as grantors and as beneficiaries, for the purpose of insuring against general public liability claims based upon acts or omissions of such hospitals or health care units, including without limitation, claims based upon malpractice; to amend Section 12 of Act No. 407, Acts of Alabama, 1971 Regular Session (Section 12, Title 28A, Alabama Code of 1940, as amended), and particularly Section 12 thereof so as to exempt such insurance trust operations from all of the provisions of that title and of the Alabama Insurance Code; to limit the obligations and liabilities of any hospital or health care unit participating in such a trust to the obligation to pay the contributions required of it by any trust agreement to which it is a party; and to provide that this act shall apply to and shall confer all rights, privileges, exemptions and immunities upon any trust established for the purposes contemplated by this act, and the grantors, members, beneficiaries, participants and trustees thereof, whether such trust was established before or after the effective date of this act.

Health.

By Mr. Holley:

H. 199. To provide that school principals shall supervise the operation and management of schools under policies determined by local boards of education and to assign school principles supervisory responsibilities and the coordination of instructional leadership under the direction of the local school superintendent.

Education.

By Messrs. McNair and Boles:

H. 200. To establish certain rights of professionally certificated employees and school boards in public schools, to prohibit practices which are inimical to the welfare of such public schools, and to provide for the orderly and peaceful resolution of disputes concerning terms and conditions of professional service and other matters of mutual concern.

Education.

By Messrs. Jolly, Trammell, Hall, Leonard, Jackson (R), Boles, McNair, Harrison, Hopping, Hilliard and Tucker (With Notice and Proof):

H. 201. Relating to Jefferson County; to authorize the county governing body and governing bodies of municipalities within the county

to regulate surface mining activities within their respective police jurisdictions.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 201, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Jolly, Leonard, Jackson (R), Boles, McNair, Harrison, Hopping, Hilliard and Tucker (With Notice and Proof):

H. 202. To authorize the Jefferson County governing body to levy and collect, in addition to all other taxes heretofore imposed by law, a county excise and privilege tax on every person severing coal within the county; to provide that the proceeds collected therefrom be deposited in the county treasury; to authorize the county governing body to use such proceeds to repair county roads and certain municipal streets and avenues; to prohibit the expenditure of such funds for bonded indebtedness or road equipment of any nature; to authorize the county governing body to inspect the books of each person severing coal and to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this act; and to prescribe penalties for the violations of the provisions of this act.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 202, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Jolly and Brindley (With Notice and Proof):

H. 203. To authorize the Blount County governing body to levy and collect, in addition to all other taxes heretofore imposed by law, a county excise and privilege tax on every person severing coal within the county; to provide that the proceeds collected therefrom be deposited in the county treasury designated for county roads; to prohibit the expenditure of such funds for bonded indebtedness or road equipment of any nature; to authorize the county governing body to inspect the books of each person severing coal and to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this act; and to prescribe penalties for the violations of the provisions of this act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 203, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Leonard:

H. 204. To vest regulatory authority over hazardous waste management in the State Board of Health; to authorize the Board to purchase, lease, and administer lands to be used as disposal sites for hazardous wastes; to vest perpetual responsibility for such sites in the State of Alabama; to establish the Hazardous Wastes Technical Advisory Committee; to place certain responsibilities for hazardous waste management upon the Board of Health, generators of waste, transporters,

and persons operating disposal treatment and/or disposal sites; to require permits to transport and operate treatment and/or disposal sites for hazardous wastes; to require reporting of wastes generated by the generator as such; to require the use of a manifest; to provide for penalties and remedies; to provide for administration and enforcement; to declare violations to be a public nuisance per se; to allow appeal; to establish the Hazardous Wastes Management Fund and make appropriations therefrom; and to appropriate funds to initiate the program.

Health.

By Messrs. Leonard, Martin, Hall, Venable and Brindley:

H. 205. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, with respect to miscellaneous provisions pertaining to eminent domain, protection of environment and homestead exemptions; to repeal and supersede Sections 205, 206, 207, 208 and 235 of said constitution, as amended, and all other conflicting provisions thereof.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Leonard:

H. 206. To amend Section 11 of Act No. 551, Regular Session 1975 (Acts of 1975, p. 1226), the act known as the "Alabama Surface Mining Reclamation Act of 1975," so as to provide that the Alabama Surface Mining Reclamation Commission will have authority and responsibility for promulgating and enforcing regulations pertaining to the use of explosives in coal surface mining operations in order to prevent injury to persons and property located outside the area permitted for coal surface mining.

Health.

By Mr. Falkenburg:

H. 207. To amend Section 21 as amended, of the Professional Corporation Act (Acts of 1971, p. 4524, now appearing in Code of Alabama, Recompiled 1958, Title 46, Section 366), so as to allow a consolidated or merged professional corporation to render both medical and dental services within a single professional corporation.

Health.

By Mr. Boles:

H. 208. To regulate occupational therapy; to provide for a short title; to provide for a declaration of purpose; to provide for definitions; to provide for the Alabama State Board of Occupational Therapy, its establishment, terms of office, vacancies, and removal of members; to provide for members of the Board; to provide for administrative provisions and powers and duties of the Executive Board of Alabama; to provide for service of process and official records as prima facie evidence; to provide for licenses as a requirement of practice; to provide for persons and practices not affected by this Act; to provide for requirements for licenses; to provide for examinations; to provide for waiver of requirements for licensure; to provide for issuance of licenses; to provide for suspension and revocation of licenses; to provide for renewal of licenses; to provide for fees; to provide for crimes and criminal penalties for violations of this Act; to provide for other matters relative to the foregoing; to provide for severability; to provide for an effective date; to repeal conflicting laws; and for other purposes.

—Health.

By Messrs. Cates, Biddle, Drake, McMillan, Smith (J), Falkenburg and Crowe:

H. 209. To amend provisions of Title 17 regarding election procedure, nominations, time of elections, voting centers, abolishing paper ballots in 1980, allowing electronic voting at county option, canvassing, and election contests.

Constitution and Elections.

By Messrs. Cates and Martin:

H. 210. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to suffrage and elections; repealing and superseding Article VIII of the Constitution of Alabama of 1901 including Sections 177 through 196 inclusive, as amended, and Amendments No. 10, 14, 41, 49, 90, 96, 109, 207, 223, 285, and 322 and all other conflicting provisions of said constitution.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Cates, Pegues and McCluskey:

H. 211. To authorize purchases by municipalities of personal service or personal property from the elected officials of said municipality under certain enumerated circumstances; to establish procedures; to repeal conflicting laws and statutes.

Local Government.

By Messrs. Carter and Moore (W) (With Notice and Proof):

H. 212. To authorize the Limestone County Commission to appropriate funds from the Highway Traffic Funds of said county or other funds in the County Treasury for law enforcement purposes in said county, including the payment of the salaries of any deputies that might be employed by the Sheriff of said county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 212, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Lee, Moore (O), Hall, Sandusky, Barron, Smith (J) and Brindley:

H. 213. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to the legislative department of state government; to repeal specifically the following Sections thereof: 49, 57, 65, 68, 69, 74, 75, 77, 78, 79, 80, 81, 84, 85, 86, 87, 88, 90, 92, 95, 99, 101, 102, 103, 108, 109, 229 and 238; to amend and supersede the following Sections: 44, 45, 46, 47, 48, 51, 52, 53, 54, 55, 56, 58, 59, 61, 62, 63, 64, 66, 67, 70, 71, 72, 73, 76, 82, 83, 97, 98, 100, 104, 105, 106, 107, 110, and 111, and Constitutional Amendments No. 39, 57, 97 and 159; and to supersede and repeal all other conflicting provisions thereof.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.



REGULAR SESSION  
1st Day

51

By Mr. Glass:

H. 214. To amend Title 14, Sections 327, 328, and 329, Code of Alabama of 1940, to include second-hand stores and swap shops, or any business of the same kind or within the same class.

State Administration.

By Mr. Glass:

H. 215. To regulate further the issuance and execution of search warrants in connection with the enforcement in all counties having populations of not less than 300,000 nor more than 600,000, according to the most recent federal decennial census, of laws relative to narcotics and controlled substances; authorizing the execution of such warrants at any time of day or night.

Local Legislation No. 3.

By Mr. Glass:

H. 216. To provide that oil, gas and other liquid hydrocarbon minerals that are commercially produced within this state shall be first offered for sale to an intrastate market for refining, processing, and consumption before being offered to an interstate market, so long as the intrastate prices are as favorable as interstate prices; and to further provide for the oil and gas board to authorize and promulgate certain rules and regulations.

State Administration.

By Mr. Glass:

H. 217. To define habitual criminals; providing procedure to determine who is a habitual criminal; providing for the indictment, trial, imprisonment, probation, parole and punishment of habitual criminals; prescribing rules of evidence for the trial of habitual criminals; prescribing the powers and duties of courts and juries in the trials of habitual criminals; prescribing the procedure and the powers and duties of courts in appeals from convictions and sentences of habitual criminals; and prescribing the form of complaints, charges, and indictment against habitual criminals.

Judiciary.

By Messrs. Owens, Merrill, Crowe, Plaster, Drake, Holmes (D), Biddle, Warren, Clark, Naramore, Weeks, Kinsey, Riddick, Turnham, Sasser, Carter, Robertson, Coburn, Gafford, Sandusky, Rich, Jackson (F), McCorquodale, McMillan, Harris, Cooper, Waggoner, Lee, Leonard, Smith (C), Moore (O), Martin, Starkey, Roberts, Cross, Pegues, Campbell, Cates, Venable, Folmar, Sonnier, Manley, Smith (M), Hines, Dial, Edwards, Whatley, Baker, Glass, Johnstone, McCulley, Lutz, Gregg, Goodwin, Moore (W), McNees, Boles, Killian, Brindley, Jolly, Quarles, Armstrong, Williams, Albright, Carothers, Smith (J) and Johnson:

H. 218. To regulate further the compensation of certain public officers; to provide for such a salary adjustment for Alabama state troopers and police communications officers as will bring the salaries of these employees of the Department of Public Safety to a level approximating the average salary of like employees in the Southeastern United States; to make an appropriation to implement this act; and specifically to provide that this act shall operate to increase the compensation only of those officers named herein and shall not affect the compensation of any other public officers; and to repeal conflicting laws.

Ways and Means.

By Mr. Owens:

H. 219. To make an appropriation to the Governor's Mansion Advisory Board.

Ways and Means.

By Mr. Owens:

H. 220. To amend Title 51, Section 647, as amended, Code of Alabama 1940, which relates to the excise tax on gasoline used in aviation, so as to stabilize the rate of taxation of gasoline and other fuels used to propel aircraft.

State Administration.

By Mr. Owens:

H. 221. To define various terms necessary to the application of trademark law: to provide for registrability of a trademark; to provide for application of registration of a trademark; to provide for issuance of a certificate of registration; to provide for the duration and renewal of a trademark; to provide for the keeping of public records on trademarks; to provide for the cancellation of a trademark; to provide for the classification of goods and services which may be subject to this act; to provide liability for fraudulent registration; to provide liability for infringement of a trademark registered under this act; to provide relief for injury to business reputation or for dilution of the quality of a trademark registered under this act; to provide remedies for the owner of a trademark registered under this act; and to preserve any common law rights of owners of trademarks.

State Administration.

By Mr. Owens:

H. 222. To amend Section 158 of Act 407, H. B. 198, Regular Session, 1971, (Acts of Alabama, 1971, Volume II, Page 792, as amended, which regulates the licensing of insurance agents, by limiting the persons to whom licenses may be issued and establishing qualifications required for said persons to be issued a license.

Insurance.

By Mr. Owens:

H. 223. To amend Section 120 of Act 407, H. B. 198, Regular Session, 1971, (Acts of Alabama, 1971, Volume II, Page 774), as amended, which regulates the licensing of insurance agents, by limiting the persons to whom licenses may be issued and establishing qualifications required for said persons to be issued a license.

Insurance.

By Mr. Owens:

H. 224. To prescribe, authorize and regulate investments of life, disability, and burial insurance companies.

Insurance.

By Mr. Owens:

H. 225. To allow the Commissioner of Insurance to place an insurance company under an order of supervision after a hearing thereon by appropriate order; setting forth certain prohibited acts while under supervision without prior approval.

Insurance.

By Mr. Owens:

H. 226. To provide that boards of control of local school systems, state public educational institutions and agencies make available payroll deduction of dues for the local affiliate of any general incorporated statewide educators' organization if their employees request this service. Deduction of dues shall not be required for any organization which serves only persons employed in a particular subject matter area or that is not affiliated with a statewide educators organization which is incorporated under Alabama statutes.

Education.

By Mr. Harris:

H. 227. To amend the title and Section 3 of Act No. 1102, H. 43, Acts of Alabama 1975 pertaining to the Employees' Retirement System.

Ways and Means.

By Messrs. Armstrong and Hall:

H. 228. To provide for an increase in the membership of any water works board of any city having a population of 300,000 or more inhabitants according to the 1970 or any subsequent federal decennial census by authorizing the appointment of certain additional members for such boards and to prescribe the manner of such appointments and the qualifications and terms of such additional members.

Local Legislation No. 2.

By Messrs. Venable, Martin, Hall, Smith (M), Cates, Lee, Smith (J), Barron, Moore (O) and Leonard:

H. 229. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to impeachments; to repeal and supersede Article VII and all other conflicting provisions of said constitution, as amended.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Johnson:

H. 230. To propose an amendment to the Constitution of Alabama providing for home rule for any municipality within Tuscaloosa County.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Mr. Johnson:

H. 231. To propose an amendment to the Constitution of Alabama providing for home rule for Tuscaloosa County.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Mitchem and Kelley:

H. 232. To exempt the Southeastern Livestock Exposition, Inc., a non-profit agriculture association, from the payment of all state, county,

and municipal sales and use taxes, on admission tickets for events and exhibitions held at the Garrett Coliseum.

Ways and Means.

By Mr. Pegues:

H. 233. To remove all water works systems having 100 customers or less from regulation by the Public Service Commission.

Local Government.

By Mr. Pegues:

H. 234. To amend Section 1 of Act No. 473, S. 239, Regular Session, 1969 (Acts of Alabama 1969, p. 927).

State Administration.

By Mr. Pegues:

H. 235. To amend further Section 3 of Act No. 1945, H. 584, Regular Session 1971 (Acts 1971, p. 3143), as last amended, which provides for and regulates the employment of county engineers so as to provide that the county engineer in certain counties need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of the county engineer's salary.

Local Legislation No. 1.

By Messrs. Pegues, Smith (B) and Campbell:

H. 236. To provide an additional alternative procedure whereby incorporated municipalities of this state may alter their corporate limits to incorporate into their boundaries certain contiguous unincorporated territory upon petition of certain landowners of the area sought to be annexed.

Local Government.

By Messrs. Pegues and Campbell:

H. 237. To amend Section 1 of Act 2228, Regular Session of the Alabama Legislature, Volume 5, page 3585, Acts of Alabama 1971, which act provides additional alternative procedures whereby incorporated municipalities with populations of 2,000 or more may alter their corporate limits, so as to provide a procedure for altering the corporate boundaries of such incorporated municipalities in the event one or more such incorporated municipalities have overlapping police jurisdictions.

Local Government.

By Messrs. Pegues and Campbell:

H. 238. Incorporated municipalities shall be authorized to annex territory which lies and is located in, and which is enclosed within the corporate limits of such municipality and has been so enclosed for a period of five years or more; prescribing procedures for the annexation of such territory.

Local Government.

By Mr. Smith (J):

H. 239. To amend further Code of Alabama 1940, Title 36, Section 34, so as to re-enact subsection (a) as it was before its repeal and amendment in 1975, thus deleting certain requirements relative to tires on vehicles and the use and sale of such tires and vehicles equipped with such tires.

Highway Safety.

By Mr. Smith (J):

H. 240. To amend further Code of Alabama 1940, Title 14, Sections 331 and 334, as amended, so as to prescribe the value of property which may be the subject of the crimes of grand and petit larceny; to prescribe fines in addition to prison sentences for such crimes and to repeal all conflicting statutes.

Judiciary.

By Messrs. Smith (J), Drake and Johnstone:

H. 241. Providing that the judge of any court of Alabama may tax as costs the expense of depositions which are reasonably necessary to the case.

Judiciary.

By Messrs. Smith (J), Carothers, Williams and Crawford:

H. 242. To make an appropriation to the use of Southeast Choc-tawhatchee River Watershed Association from any funds in the State Treasury not otherwise appropriated for the fiscal year ending September 30, 1977.

Ways and Means.

By Mr. Smith (J):

H. 243. To provide for the issuance of restricted driver's licenses in certain cases.

Highway Safety.

By Messrs. Smith (J) and Carothers:

H. 244. To amend Article 5, Section 103 and Article 6, Section 118, Act No. 1205, S. 400, Regular Session 1975 (Acts of 1975, p. 2384), the "Judicial Article Implementation Act"; so as to provide that the juvenile judges and judges of all cases involving domestic relations, divorce, annulments of marriage, custody and support of children, granting and enforcement of alimony, proceedings under the Reciprocal Non-Support Act and all other domestic and marital matters over which the circuit court has jurisdiction as well as all cases arising under the laws pertaining to juvenile and non-support cases in the county or district as provided in Title 34 of the 1940 Code of Alabama, may be either district judges or circuit judges by assignment or designation without regard to size of circuits or number of district judges in a county or district.

Constitution and Elections.

By Messrs. Smith (J) and Carothers:

H. 245. To define "Speedy trial" as used in the Constitution of Alabama 1901, providing any defendant is entitled to a speedy trial within six months from the original indictment, and prescribing conditions for a continuance beyond six (6) months.

Judiciary.

By Messrs. Smith (J) and Carothers:

H. 246. To amend the title and Sections 1 and 2 of Act No. 1142, H. 14 of the 1971 Regular Session (Acts 1971, Vol. III, p. 1965) which Act relates to unemployment insurance fraud investigators of the Department of Industrial Relations, to give such employees and supervisors a subsistence allowance in addition to all other compensation heretofore authorized by law.

Ways and Means.

By Mr. Smith (J):

H. 247. To amend Sections 1 and 2 of Act No. 1231, H. 616 of the 1975 Regular Session (Acts 1975, Vol. IV, p. 2591), which act relates to the sheriffs' retirement system, so as to revise the eligibility requirement for participants.

Ways and Means.

By Mr. Smith (J):

H. 248. Further regulating the traffic in narcotic drugs by forbidding unauthorized transportation or conveying of such drugs and providing that any vehicle, boat, aircraft or other conveyance used in the illegal carrying or transportation of narcotic drugs shall be contraband and forfeited to the State of Alabama in the manner prescribed in this Act.

Judiciary.

By Messrs. Smith (J) and Carothers:

H. 249. Providing for the expiration of any lease of oil, natural gas, or other mineral rights or any other conveyance, exception or reservation of any kind separating oil, natural gas or other mineral rights or interests from the freehold estate of land and providing for the reversion of such rights or interests to the owner of the estate out of which such rights or interests were carved.

Judiciary.

By Messrs. Smith (J), Smith (M), Martin, Cates, Carothers, Hall, Venable and Brindley:

H. 250. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to the mode of amending the Constitution; to repeal, supercede and renumber Article XVIII and Amendment No. 24 of said Constitution and all other conflicting provisions thereof.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Smith (J):

H. 251. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to taxation and debt limitation; superseding and renumbering the provisions of the present Article XI and certain other provisions of said constitution and amendments thereto relating to taxation and debt limitation; validating and ratifying all actions taken and bonds heretofore issued pursuant thereto; superseding specifically Sections 91, 93, 94, 211 through 219, inclusive, and 221 through 226, inclusive, 269 and the following amendments to said constitution: Amendments No. 23, 25, 56, 61, 93, 107, 108, 126, 194, 208, 212, 225, 228, 268, 272, and 325; and repealing all conflicting provisions of said constitution and conflicting amendments thereto.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Jackson (F), Smith (J) and Holley:

H. 252. To amend Section 1 of Act No. 441, H. 916, 1976 Regular Session (Acts 1976, p. 542) entitled "An Act Relating to counties having

populations of not less than 34,000 nor more than 34,800 according to the most recent federal decennial census; to provide an additional expense allowance for members of the governing body of any such county payable out of county funds," so as to change the amount of the additional expense allowance and to make the provisions of the Act retroactive.

Local Legislation No. 1.

By Messrs. Martin, Venable, Roberts, Cross, Brindley, Killian, Starkey, Moore (W), Carter, Drake, Campbell, Pegues and Warren:

H. 253. To amend further Act No. 663, S. 132, of the Regular Session of 1961 (Acts of Alabama 1961, p. 827), as amended, which provides for and regulates general and special elections in cities and towns of this state having populations of 300,000 or less, except cities and towns which have a commission form of government, so as to reduce the time between the regular elections and run-off elections.

Constitution and Elections.

By Messrs. Hilliard, Jolly, Jackson (R) and Tucker:

H. 254. To provide for the election of recorders court judges in any city having a population of 300,000 or more inhabitants according to the most recent federal decennial census; to prescribe the term and qualifications for said judges; and to repeal all conflicting statutes.

Local Legislation No. 2.

By Messrs. Hilliard, Hall, Jolly, Hopping, Tucker, Albright, Holmes (A) and Porter:

H. 255. To establish a State Athletic Commission; to prescribe its powers, functions, purposes and duties; to provide for the membership and terms of office of the commission; to provide that the commission shall be funded from legislative appropriations from the funds of the state treasury to carry out the provisions of this Act; and to prescribe penalties for violations.

Ways and Means.

By Messrs. Hilliard, Jackson (R), Hopping, Tucker and Holmes (A):

H. 256. To provide that a tax of one percent (1%) be levied on admissions to sporting or athletic events in Alabama in addition to all taxes of whatever nature presently imposed; to prescribe that the revenue generated by such tax be collected and deposited in the state treasury; to authorize the Commissioner of Revenue to collect the tax and enforce the provisions of the Act; to exempt certain sporting, athletic and promotional events from the operation of this Act; and to provide penalties for violations of the provisions of this Act.

Ways and Means.

By Messrs. Hilliard, Holmes (A) and Porter:

H. 257. To provide further for the parole of infirm, aged and handicapped prisoners in the state penal system.

Judiciary.

By Messrs. Hilliard, Jackson (R), Tucker, Albright, Holmes (A) and Porter:

H. 258. To exempt the Alabama Center for Higher Education from the payment of all state, county, and municipal sales and use taxes.

Ways and Means.

By Mr. Sasser:

H. 259. To provide for the cooperation and continuing legal education of school board attorneys; to authorize boards of education to expend funds for such purposes.

Education.

By Mr. Sasser:

H. 260. To amend Title 52, Section 62, Code of Alabama (1940), relating to the powers of county boards of education to administer and supervise schools so as to clarify and broaden such powers.

Education.

By Mr. Sasser:

H. 261. To amend Title 52, Section 158, Code of Alabama 1940, relating to the powers of city boards of education to administer and supervise schools so as to clarify and broaden such powers.

Education.

By Mr. Sasser:

H. 262. Relating to Dale County, providing for a one-to-one method of striking jurors in criminal cases.

Local Legislation No. 1.

By Mr. Sasser:

H. 263. To amend Section 2 of Act 281, H. 295, Special Session, 1966 (Title 52, Section 622(5)), which is the Alabama Educational Benefits for Dependents of Blind Parents Act, so as to increase the amount of family income allowed in a family where the head of the household is blind for dependents to be eligible for educational benefits at institutions of higher learning.

Ways and Means.

By Messrs. Sasser and White:

H. 264. To provide for the creation of the Alabama Aviation Hall of Fame Board; to provide the method of selection of its members; to prescribe its powers and duties; to provide that no person may derive income or profit from the funds or property of the Board; and to provide that gifts to and property, funds, and activities of the Board shall be exempt from taxation.

Ways and Means.

By Messrs. Lockett, Pegues and Edwards (With Notice and Proof):

H. 265. Relating to Dallas County; declaring guns, rifles, ammunition, other hunting equipment and motor vehicles, including motor boats or power boats, used in illegal nighttime deer hunting in the county to be contraband; and providing for the condemnation and sale thereof for the benefit of the state game and fish fund.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 265, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK



By Messrs. Johnstone, Manley and McCorquodale:

H. 266. To amend, revise and reenact Act No. 1226, 1975 Regular Session (Acts 1975, p. 2562) entitled "An Act Relating to the commitment of mentally ill persons to the custody of the State Department of Mental Health; prescribing the procedures for the involuntary commitment of mentally ill persons, prescribing the duties and responsibilities of all persons and departments concerned with the commitment of mentally ill persons; providing for the rights of persons sought to be committed as mentally ill; providing for the payment of costs of proceedings for the commitment of mentally ill persons; providing for appeal to circuit court by persons committed as mentally ill; prescribing the jurisdiction of the probate court in regard to persons committed as mentally ill; providing for the transfer of mentally ill persons to facilities operated by the United States; and repealing conflicting laws," so as to further designate the institutions to which mentally ill persons may be committed, prescribing the procedures for involuntary commitment, prescribing the duties and responsibilities of all persons, agencies and departments concerning commitment of mentally ill persons, further protecting the rights of the persons sought to be committed and providing further for the appeal of commitment orders.

Judiciary.

By Messrs. Johnstone and Sonnier:

H. 267. To amend Section 2-316 of Act No. 549, S. 2, Regular Session 1965 (Acts 1965, p. 811) (now appearing in Title 7 A, in the supplement of Code of Alabama, recompiled 1958), which is the Alabama Uniform Commercial Code, and which Section 2-316 concerns the exclusion or modification of the implied warranties of merchantability or fitness for a particular purpose to circumscribe the limitation or exclusion of the implied warranty of merchantability or fitness for a particular purpose in the sale or lease of new consumer goods.

Judiciary.

By Mr. Johnstone:

H. 268. To amend Title 15, Section 389, Code of Alabama 1940 (Recompiled 1958), concerning the scope of appellate criminal review by the supreme court and the court of criminal appeals, to require that such courts consider any disproportionate severity of sentence (except in case of an agreed sentence or a death sentence) as a ground for review; to require that, in any such case, such courts review all evidence and other material considered in the assessment of the sentence; and to require that the reviewing court remand any case of disproportionately severe sentence to the trial court for reconsideration, reduction, or both, of the sentence, and for a new judgment in accordance with the instructions of the reviewing court.

Judiciary.

By Messrs. Johnstone, Glass and Manley:

H. 269. To provide for the attendance of witnesses from outside the state in criminal proceedings and to provide for the summoning of such witnesses and the arrest and service of process; and to provide for the repeal of all laws in conflict; and to provide an effective date.

Judiciary.

By Mr. Johnstone:

H. 270. Relating to bonds required of witnesses; to amend Code of Alabama of 1940, Title 15, Sections 145, 146, and 147; to repeal Code of

Alabama of 1940, Title 15, Section 148; and to provide penalties for failure of a witness to appear after posting bond.

Judiciary.

By Messrs. Johnstone and Glass:

H. 271. To exempt certain sports organizations from all state, county and municipal taxes.

Ways and Means.

By Mr. Turnham:

H. 272. To provide that any bona fide citizen of the state who is over 65 years of age shall be exempt from paying any tuition at any state supported institution of higher learning.

Education.

By Mr. Turnham:

H. 273. To provide that full-time employees and executive officers of the Alabama Council for School Administration and Supervision may elect to become members of the Teachers' Retirement System of Alabama; also to provide that said Council and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

Education.

By Messrs. Turnham, Kinsey and Edwards:

H. 274. To amend Sections 32 and 33 of Title 18 of the Code of Alabama 1940, as amended, relating to electric cooperatives, so as to provide that such cooperatives may process, treat, sell and dispose of water and water rights; purchase, sell, lease, construct, own and operate water systems and sanitary sewer systems, supply water and sanitary sewer services, to exercise the power of eminent domain, to issue notes, bonds, mortgages and other evidences of indebtedness to finance such undertakings.

Agriculture.

By Mr. Turnham:

H. 275. To relieve the State of Alabama Personnel Director of the duty of publishing the names and addresses of state employees, as is required by Title 55, Section 299, Code of Alabama 1940, as amended.

Ways and Means.

By Messrs. Turnham, Merrill, Higginbotham, Whatley, Baker and Morris:

H. 276. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

Ways and Means.

By Mr. Turnham:

H. 277. To amend Act No. 582 of Regular Session, 1963 (Acts 1963, Pg. 1266), pertaining to ionizing radiation control by adding the posting of bonds, by establishing the Radiation Reclamation Fund and providing for appropriations therefrom.

Ways and Means.

By Mr. Johnstone:

H. 278. To require and to authorize that a maximum (unless a higher maximum be elsewhere provided) of four years of prior service

**REGULAR SESSION**  
**1st Day**

61

in the Legislature of the State of Alabama be counted toward qualification or eligibility for any retirement or pension plan, program, or benefits for any state or county officer, official, or employee serving or retiring after the effective date of this Act; to provide limits and restrictions on such counting of legislative service; to preserve existing provisions for such eligibility or qualification; and to provide for the repeal of conflicting laws or parts thereof, for severability, and for an effective date.

**Judiciary.**

By Messrs. Johnstone and Taylor:

H. 279. To provide that any teacher or employee of a public school system, the State Board of Education, the State Department of Education, State Senior Universities, State Junior Colleges, State Vocational Technical Colleges, or any other State educational institution or agency shall, if incapacitated as a direct result of an on-the-job injury, continue, for a period of not more than two years during such incapacity, to draw his full salary reduced by the amount of any workmen's compensation benefits (exclusive of medical payments or reimbursements) received during such two-year period; and to authorize standards for carrying out the provisions of this Act.

**Ways and Means.**

By Messrs. Johnstone and Glass:

H. 280. To propose an amendment to the Constitution of Alabama to authorize the state to let a contract for the construction of a bridge on the Dauphin Island Parkway, State Highway 163, across the middle branch of Deer River in Mobile County; to authorize the state to become indebted and to issue in connection therewith its interest-bearing general obligation bonds in principal amount not exceeding thirty million dollars (\$30,000,000); to authorize the Alabama Highway Authority, a public corporation created by Act No. 43, First Special Session 1955, to act as the state agency authorized to sell, issue and approve disbursement of the proceeds of said general obligation bonds and any bonds which may hereafter be issued to refund the said bonds.

**Ways and Means.**

The above bill was read a first time at length as required by the Constitution.

By Messrs. Johnstone and Glass:

H. 281. To implement, when ratified, the provisions of the constitutional amendment proposed by the Alabama Legislature at the 1976 Regular Session, which amendment authorizes the state to issue its general obligation bonds in principal amount not exceeding \$30,000,000.00 to finance the construction of a bridge on the Dauphin Island Parkway; to designate the Alabama Highway Authority, a public corporation created by Act No. 43, First Special Session 1955 to act as the authorized state agency responsible for the sale, issuance and disbursement approval of the proceeds of said general obligation bonds, including any bonds which may hereafter be issued to refund the original bonds; to provide that the said bonds and the income therefrom shall be exempt from all taxation in this state; to require that the state highway department shall let a contract within a year of the passage of this act for the construction of a bridge on the Dauphin Island Parkway; and to authorize refunding of such bonds if it ever be necessary.

**Ways and Means.**

By Messrs. Johnstone and Glass:

H. 282. To authorize the financing and construction of a bridge on the Dauphin Island Parkway in Mobile County, Alabama, State Highway 163 across the middle branch of Deer River; to authorize the Alabama Highway Authority to sell and issue bonds from time to time not exceeding \$30,000,000 aggregate principal amount in addition to those heretofore authorized to be issued by the authority in order to finance the construction of said bridge; to provide for the method of execution of the said bonds and other details pertaining thereto; to provide that the bonds shall be sold only at public sales and to make provisions respecting such sales, and the application of the proceeds from the sale or sales thereof; to provide that bonds issued under this act shall not create an obligation or debt of the state and shall be limited obligations payable solely out of the revenues of the Authority appropriated and pledged in this act; to provide that the said bonds while not registered shall constitute negotiable securities even though payable from a limited source; to provide that bonds at any time issued by the Authority may be refunded by the issuance by the Authority of refunding bonds; to provide that the bonds and the income therefrom shall be exempt from taxation; to provide that the bonds may be used to secure deposits of funds of the state and its instrumentalities and agencies and shall be lawful for the investment of trust funds; to provide for the use of the proceeds of the bonds; to make appropriations and pledge funds necessary to pay the principal of and interest on the bonds; to authorize the Authority to pledge for payment of the said principal and interest the moneys appropriated and pledged in this act for that purpose; and to direct the State Highway Department to let a contract within a certain time for the construction of said bridge.

Ways and Means.

By Mr. Johnstone (With Notice and Proof):

H. 283. To amend Sections 2, 3, 4 and 6 of Act No. 248, 1947 Regular Session (Local Acts of 1947, p. 172), entitled "An Act To authorize and provide for the establishment, maintenance, operation and financing of a Public Law Library in Mobile County, Alabama; to authorize the governing body of said County to expend public funds under its control therefor; to provide for the taxing and collecting of additional court costs in certain Courts in said County for such purpose and for the expenditure thereof; to designate the officers to accomplish said purpose and to define the powers and duties of such officers with respect thereto, and the designation of personnel to operate said Library, or to assist therein, and the employment of additional personnel for said purpose, and the payment of the salaries of such personnel," so as to provide further for the financing of such law library and to provide for court costs to be imposed within the structure of the state courts of the unified judicial system established and implemented by Act No. 1205, S. 400 of the 1975 Regular Session.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL H. B. 283, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Hilliard:

H. 284. To provide that the Student Union Building complex at Lawson State Community College be named the Leon Kennedy Student Union Building.

State Administration.

**REGULAR SESSION**  
**1st Day**

63

By Messrs. Campbell, Pegues, Smith (B), McCluskey, Venable and Quarles:

H. 285. To validate in certain cases elections heretofore held in municipalities or counties on the question of the issuance of bonds.

Local Government.

By Messrs. Campbell, Pegues, Smith (B), McCluskey, Venable and Quarles:

H. 286. To validate in certain cases municipal corporations attempted to be organized under the laws of Alabama which might be invalid because of any irregularity in the procedure for incorporation.

Local Government.

By Messrs. Campbell, Pegues, Smith (B), McCluskey, Venable and Quarles:

H. 287. To validate in certain cases elections held in municipalities or counties on the question of authorizing any special taxes under the Constitution.

Local Government.

By Messrs. Campbell, Pegues, Smith (B), McCluskey, Venable and Quarles:

H. 288. To validate, in certain cases, annexations heretofore held by municipalities.

Local Government.

By Messrs. Campbell and Manley:

H. 289. To amend Title 51, Section 17, Code of Alabama 1940, as amended, which provides rates of assessment for ad valorem taxation for the several counties, so as to include Sumter and Choctaw Counties in the table of counties having special rates in subsection (5) of said Section 17.

Local Legislation No. 1.

By Mr. Campbell:

H. 290. To repeal Act No. 361, H. 1141, Regular Session of 1973 (Acts 1973, p. 515), entitled "An Act Relating to counties having not less than 16,350 nor more than 16,650 populations, according to the most recent federal decennial census; to provide an additional clerks hire allowance for the Probate Judge of such counties."

Local Legislation No. 1.

By Mr. Campbell:

H. 291. To amend Act No. 174, S. 94, Third Special Session 1971 (Acts 1971, p. 4423), regulating facilities for child care so as to further define the term day care center.

State Administration.

By Messrs. Weeks and McNeas:

H. 292. Proposing an amendment to the Constitution of Alabama relative to the Buttahatchee River Watershed Area.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Mr. Sonnier:

H. 293. To place supervision of public water systems of the state; to empower the State Board of Health to promulgate State Primary and Secondary Drinking Water Regulations; to provide for variances and exemptions; to exercise emergency powers to prevent imminent hazards; to establish procedures for notification of users and concerned agencies of violations which could present health hazards; to require submission of samples and analysis thereto; to establish procedures for permit to furnish water; to provide for penalties and remedies; to provide for the administration of the Act; to punish violators; to allow appeal; and to establish the Safe Drinking Water Fund and appropriate from the said fund.

Health.

By Messrs. Sonnier and Sandusky:

H. 294. To provide that all drivers of motor vehicles shall be re-examined every eight years and pass a visual acuity examination to qualify for a renewal license; to provide for the manner and set the cost for such re-examination; to prescribe sanctions for non-compliance; and to authorize the director of the department of public safety to formulate, issue and promulgate such regulations, policies, procedures and requirements necessary to implement the provisions of this act.

State Administration.

By Mr. Sonnier:

H. 295. Relating to the thirteenth judicial circuit; providing for an additional circuit court judge in such circuit and prescribing the duties, authority, and compensation of such judge.

Ways and Means.

By Messrs. Sonnier, McMillan and Sandusky:

H. 296. To require that all drugs and prescriptions dispensed have a label conspicuously bearing either the trade name or generic name; to provide definitions, exceptions hereunder, and penalties for violations; and to authorize the Alabama state board of pharmacy to establish, prescribe, and promulgate standards, rules, and regulations, as necessary, to administer and effect the provisions of this Act.

Health.

By Messrs. Brindley, Smith (J), Lee, Leonard, Johnson and Martin:

H. 297. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, to be numbered Article XI thereof, relating to public officers; to supersede the following provisions of the Constitution of Alabama of 1901, as amended: Sections 60, 96, 104(24), 130, 279, 280 and 281 and Amendments No. 2, 4, 26A, 28, 43, 44, 46, 47, 48, 50, 62, 64, 85, 88, 92, 103, 127, 134, 135, 136, 137, 138, 139, 185, 196, 215, 229, 231, 246, 241, 249, 265, 290, 297, 306, 321 and 326; and to repeal all conflicting provisions of said constitution and amendments thereto.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Holmes (A):

H. 298. To require payment to any person who receives a pardon under the provisions of Act No. 804, S. 355, 1951 Regular Sessions [Acts of 1951, p. 1402; now appearing in Code of Alabama, Recompiled 1958,

Title 42, Section 18(3)], relating to a pardon of any person whose sentence to death has been commuted; to provide for payment to be made from appropriations from the state general fund as hereinafter provided; to repeal laws in conflict herewith; and to have a retroactive effect to October 1, 1976.

Judiciary.

By Messrs. Brindley, Smith (J), Lee, Leonard, Martin and Johnson:

H. 299. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to local government and home rule; amending and superseding specifically Sections 38, 39, 40, 41, 89, 220 and 228 and Amendments No. 81, 132, 140, 142, 144 and 184 of the Constitution of Alabama of 1901, as amended; and repealing and superseding all other conflicting provisions of said constitution and amendments thereto.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Brindley and Jolly:

H. 300. Amending Section 1 of Act No. 16, H. 17 of the 1975 Second Special Session (Acts 1975, Vol. I, p. 127), relating to all counties having populations of not less than 26,725 nor more than 27,250 inhabitants according to the 1970 or any subsequent federal decennial census; providing for clerical assistance of the tax assessor and tax collector in such counties, so as to provide that any cost of living increase for county employees automatically shall be applicable to them, retroactively to October 1, 1975.

Local Legislation No. 1.

By Mr. Biddle:

H. 301. To amend Section 269 of Title 46, Code of Alabama 1940, as amended, so as to provide for the issuing of limited certificates of qualification to practice medicine without examination to physicians enrolled in approved residency training programs.

Health.

By Messrs. Wyatt, Andrews, Armstrong, Waggoner, McCluskey, McCulley, Plaster, Weeks, Whatley, McNees, Higginbotham, Owens, Hall, Kinsey, Warren, Carter, Sasser, Quarles, Reed, Gafford, Naramore, Jackson (F), Johnstone and Smith (C):

H. 302. To establish a pension fund for Alabama fire fighters to be known as the Alabama Fire Fighters Pension Fund; to prescribe conditions for joining, withdrawing from, and continuing membership in the fund; to regulate the payment of pensions and benefits from the fund; to provide for the management and administration of the fund by a board of trustees; to prescribe the membership of the board, to provide for the election and terms of office of members thereof, and prescribe their powers and duties; to establish the office of secretary-treasurer of such board, provide for his employment, his salary, and his bond; and for the purpose of financing the fund to levy and provide for the collection of an additional tax on all policies insuring against the perils of fire in fire protected areas, to fix membership dues, and authorize gifts, contributions and donations to the fund.

Insurance.

By Mr. Wyatt:

H. 303. To require employing boards of education to provide personal liability insurance for bus drivers or any employee required to transport pupils.

Ways and Means.

By Mr. Wyatt:

H. 304. To permit the State Board of Education, through the State Superintendent of Education, to enter into an interstate agreement known as the "Interstate Agreement on Qualification of Educational Personnel" for the purpose of establishing cooperative arrangements with other states for persons to meet teacher certification requirements.

Education.

By Mr. Wyatt:

H. 305. To require that after September 1, 1979, all principals shall be full-time principals and shall not be scheduled to teach more than one class period per day.

Education.

By Messrs. Rich and Taylor:

H. 306. To create a committee consisting of both houses of the Legislature for the purpose of reviewing any rule, regulation or decree of any department, agency, commission, authority, board or any other entity of state government and specifying the powers of such committee.

Ways and Means.

By Mr. McMillan:

H. 307. To amend Act No. 1000, H. 388, Regular Session 1973 (Acts 1973, p. 1532), which act provides for an ad valorem tax exemption on certain homes, so as to clarify some ambiguities concerning the eligibility requirements for said exemption.

Ways and Means.

By Mr. McMillan:

H. 308. To authorize the County Commission or like governing body of each of the several Counties having less than 600,000 population according to the latest Federal census to regulate the minimum size of lots, the planning and construction of all public streets, public roads and drainage structures and require proper placement of public utilities to be located in proposed subdivisions of land or in proposed additions to subdivisions of land existing at the time of the enactment of this Act where such subdivisions are situated outside the corporate limits of any municipality in such county, provided that such placement of public utilities shall not be inconsistent with the Southern Standard Building Code, State and Federal laws and regulations of State and Federal regulatory agencies. To further provide for exercise of jurisdiction by counties over proposed subdivisions within the jurisdiction of municipal planning commissions and to provide for agreement of jurisdiction by counties with affected municipalities.

State Administration.

By Mr. McMillan:

H. 309. To make appropriations to the Alabama Forestry Commission for construction of an automotive maintenance and repair shop, mechanics salaries, and equipment and parts for such shop.

Ways and Means.



**REGULAR SESSION**  
**1st Day**

67

By Mr. McMillan:

H. 310. To amend further Act No. 533, Acts of Alabama, 1957 Regular Session, Page 750, entitled "An Act To Create a Board to be known as the State Board of Registration for Foresters as follows:

Conservation.

By Mr. McMillan:

H. 311. To amend further Act No. 533, Acts of Alabama, 1957 Regular Session, Page 750, entitled "An Act To Create a Board to be known as the State Board of Registration for Foresters; to provide for the qualification of members of said Board; to provide for the appointment of the members of said Board; to provide for their terms of office; to provide for the organization of said Board; to provide for the powers and duties of said Board; to provide for the registration of Foresters; to provide for the recording of licenses; to provide for the definition of the practice of Forestry; to provide for the revocation of licenses; to provide for fees for the issuance and recording of such licenses; to provide for reciprocity; to create a special fund to be known as the "Professional Foresters Fund," and to regulate expenditures therefrom; to repeal all laws in conflict with this Act; and to make an appropriation," as amended by Act No. 141, Acts of Alabama, 1961 Special Session, page 2082; by Act No. 1051, Acts of Alabama, 1969 Regular Session page 1965; and by Act No. 1202, S. 107, 1973 Regular Session (Acts of 1973, p. 2020); so as to provide for an increase in the registration fee for a license and the annual renewal fee for licenses.

Conservation.

By Messrs. Smith (B), Riddick, Martin and Roberts:

H. 312. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to local government and home rule; amending and superseding specifically Sections 38, 39, 40, 41, 89, 220 and 228 and Amendments No. 81, 132, 140, 142, 144 and 184 of the Constitution of Alabama of 1901, as amended; and repealing and superseding all other conflicting provisions of said constitution and amendments thereto, providing for a two year delay in the effective date of the proposed amendment.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Smith (B):

H. 313. To regulate further the vehicles using the highways of this state; providing that the Director of Department of Public Safety shall promulgate rules and regulations for a random vehicle inspection program of passenger vehicles and light transport vehicles of 10,000 lbs., gross vehicle weight (GVW) unless and not including dual-wheel vehicles on farm machinery; providing that random vehicle inspectors shall operate eight hours a day, five days a week, providing that troopers shall cause operators of motor vehicles to submit to an inspection; providing stickers for owners, lessees or operators whose vehicles pass the inspection; providing for temporary stickers for those who fail to pass the inspection and certain procedures to be performed by the owners, lessees, or operators as a consequence thereof. Providing the penalties for operating a vehicle with an expired temporary sticker; providing for penalties for the unlawful making, use, issue, sale of an altered, mutilated, imitation, or counterfeit inspection sticker; providing that all fines, fees, appropriations, and moneys be placed in a special fund; providing

that whenever the Director promulgates rules, they shall first be approved by the Governor and then filed in the office of the probate judge of each county; providing that the Director of the Department of Public Safety shall administer and enforce this act; providing that the inspections will not be construed in any court as a warranty; providing appropriations therefore; and repealing Act No. 542, H. 290 of the Regular Session of 1943 (Sen. Acts of 1943, p. 522) which provides for municipal vehicle testing stations.

Highway Safety.

By Mr. Smith (B):

H. 314. To exempt the Huntsville-Madison County Senior Center, Inc., a non-profit corporation, from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Messrs. Smith (B), Riddick and Roberts:

H. 315. To prohibit any state, county or municipal agency from establishing a minimum retail price for milk.

Agriculture.

By Messrs. Smith (C), Plaster, Brindley, Turnham, Manley, Owens, Carter, Jackson (F), Sasser, Moore (O), Merrill, Smith (B), McCulley, Biddle, Boles, McNees, Williams, Falkenburg, Goodwin, Riddick, Trammell, Holmes (D), White, Lewis, Wyatt, Roberts, Martin, Baker, McMillan, McCluskey, Glass, Smith (J), Holley and Warren:

H. 316. To amend Title 52, Section 215 (a4) relating to the determination of the number of teacher units allowed, so that the period for which average daily attendance is required is changed from the school year to the first five scholastic months of any school term.

Education.

By Mr. Folmar (With Notice and Proof):

H. 317. To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama; providing for the repeal of all laws or parts of laws in conflict herewith; and prescribing the time when this Act shall become effective.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 317, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Owens:

H. 318. To amend Section 120 of Act 407, H. B. 198, Regular Session 1971, (Acts of Alabama 1971, Volume II, Page 774), as amended, which regulates the licensing of insurance agents, by imposing the requirement of satisfactory completion of a classroom pre-qualification course prior to taking the written examination as provided in Section 120, paragraph (8).

Insurance.

By Mr. Smith (J):

H. 319. To further amend Act No. 60, Second Special Session, 1965, as amended by Act No. 2421, Regular Session 1971, which said act levies

**REGULAR SESSION**  
**1st Day**

69

and provides for the collection of tax upon each criminal and quasi-criminal case and each suit at law or in equity docketed in every Court in the State of Alabama, with certain enumerated exceptions as to Courts and cases; to appropriate the funds derived from said tax for the purpose of paying fees of counsel, court reporters, clerks and registers and other expenses in certain cases wherein the accused is indigent and a portion of the expenses of counties maintaining public defender offices; to specifically amend Section 3 of said Act No. 60, as last amended.

Ways and Means.

By Messrs. McCulley and McMillan:

H. 320. To amend further Section 12 of Act No. 1, H. 46, Regular Session 1945 (General Acts of Alabama 1945, p. 1) entitled "An act to conserve natural resources of the State of Alabama and to prevent the waste thereof by providing for the regulation, control, and supervision of the drilling for and the production and use of oil and gas in the State of Alabama and to provide funds therefor by the levy of a charge of twenty-five dollars upon each well drilled in search of oil and gas in Alabama and a tax equal in amount of two percent of the gross value, at the point of production, of oil and gas produced in Alabama", approved May 22, 1945, as amended, so as to allow spacing in the case of irregular sections which exceeds 640 acres and so as to allow the Board to designate drilling or production units of up to 160 acres or one governmental quarters section in the case of oil and 640 acres or one governmental section in the case of gas plus ten percent tolerance so as to allow for irregular sections, and to further allow the Board, after notice and hearing, to establish units in oil and gas pools not to exceed 50 percent greater than 160 acres or one governmental quarter section in the case of oil and 640 acres or one governmental section in the case of gas, provided such action is justified by sufficient technical data indicating that such acreage or lands in excess of the aforesaid limitations is being drained or is in imminent danger of being drained and that the owners of interests in such said excess acreage or land cannot otherwise receive their just and equitable share of production from the pool.

State Administration.

By Messrs. McCulley and McMillan:

H. 321. To amend Section 9, Subsection (c) (3), Act No. 1, H. 46, Regular Session, 1945 [(General Acts of Alabama 1945, p. 1; now appearing in Title 26, Section 179(32) (c) (3), Code of Alabama (1940) (Recomp. 1958)], so as to increase the requirement and conditions of a bond regarding oil and gas wells.

State Administration.

By Messrs. McCulley and McMillan:

H. 322. To amend Section 13 of Act No. 1, Regular Session 1945 (General Acts of Alabama 1945, p. 1), approved May 22, 1945, so as to provide for the integration of other interests as well as for the pooling and for the unitization of tracts of land with regard to oil and gas drilling units and oil and gas pools.

State Administration.

By Messrs. McMillan and McCulley:

H. 323. To establish and provide regulatory authority and jurisdiction in the State Oil and Gas Board regarding the development of geothermal resources in the State.

State Administration.

By Messrs. McMillan and McCulley:

H. 324. To amend Section 3, Subsections (c), (d), (e), and (g), of Act No. 352, H. 44, Regular Session, 1957 [(Acts of Alabama, 1957, Vol. I, p. 461; now appearing in Title 26, Section 179 (72) (c), (d), (e), and (g), Code of Alabama (1940) (Recomp. 1958)], so as to render said subsection to clearly include other "interests" as well as "tracts" in unitization orders.

State Administration.

By Messrs. McMillan and McCulley:

H. 325. To amend Section 2, Subsection C, of Act No. 1, Regular Session 1945 (General Acts of Alabama, 1945, p. 1), approved May 22, 1945, so as to provide for a redefinition of the word "oil" with reference to pool rather than well.

State Administration.

By Messrs. McCorquodale, Callahan, Biddle, Folmar, Rich, Morris, Manley, Gafford, Higginbotham, Robertson, Crowe, Smith (M), Sandusky, Pegues, Owens, Whatley, Shelton, Baker, Smith (B), Greer, Warren, McCulley, Jackson (F), Crawford, Hines, Andrews, Glass, Howard, Campbell, Hopping, Quarles, Weeks, Moore (O), Buskey, McMillan, Moore (W), Reed, Falkenburg and Killian:

H. 326. To amend Section 33, Act 100 Second Special Session 1959, to exempt food purchased for human consumption that will be prepared and consumed off premises.

Ways and Means.

By Messrs. Sasser, Crowe, Sandusky, Smith (M), Robertson, Moore (O), Higginbotham, Sonnier, Callahan, Pegues, Waggoner, Rich, Merrill, Biddle, Gafford, Owens, Holmes (D), Naramore, Roberts, Carter, Cross, Smith (B), Campbell, Dial, Whatley, Baker, Turnham, McMillan, Hines, Warren, Smith (C), Weeks, McNees, Martin, McCulley, White, Moore (W), Shelton and Jackson (F):

H. 327. To define an habitual criminal; providing procedure to determine who is an habitual criminal; providing for the indictment, trial, imprisonment, probation, parole and punishment of habitual criminals; prescribing rules of evidence for the trial of habitual criminals; prescribing the powers and duties of courts and juries in the trials of habitual criminals; prescribing the procedure and the powers and duties of courts in appeals from convictions and sentences of habitual criminals; and prescribing the form of complaints, charges, and indictment against habitual criminals.

State Administration.

By Messrs. Robertson, Sasser and Sandusky:

H. 328. To provide for and authorize the incorporation of Municipal Electric Authorities as public corporations of the State of Alabama for the purpose of planning, financing, developing, acquiring, constructing, reconstructing, improving, enlarging, owning, operating and maintaining systems and facilities for the generation, transmission, transformation and distribution, or any of them, of electric power and energy, which systems and facilities may be situated within or without the State of Alabama; to authorize any two or more municipalities to incorporate and organize an Authority; to authorize municipalities to become members of an Authority and to appoint a board of commissioners to exercise the powers of such Authority as herein provided; to provide for an executive committee and officers of such board; to grant powers to an Authority including the power of eminent domain; to provide that an

Authority may exercise any one or more of the powers, rights and privileges conferred upon it either alone or jointly or in common with one or more other parties, municipalities, corporations, electric boards, cooperatives, or public or private utilities located either within or without the State of Alabama or partly within and partly without the State; to authorize an Authority to issue and sell its bonds or notes; to provide that the bonds, notes and other obligations of an Authority shall not be a debt or obligation of the State or of any municipality but shall be payable solely from the revenues of its facilities or its undivided interest therein; to provide for the execution and delivery by an Authority of mortgages, deeds of trust and other instruments of security for the benefit of such obligations; to provide that bonds issued by an Authority shall be legal investments and also eligible as security for the deposit of public funds; to provide that the property of an Authority and the income therefrom, all bonds and the interest thereon, and all deeds, mortgages, trust indentures and other instruments executed by or delivered to an Authority shall be exempt from all state, county, municipal and other taxation in the State; to grant legislative consent to the application of the laws of other states with respect to taxation and payments in lieu of taxation by an Authority or any systems or facilities situated without the State; to exempt an Authority from the laws of the State of Alabama governing usury; to exempt all contracts made by an Authority in the exercise of any power or authority under this Act from the provisions and requirements of Act No. 217 adopted at the 1967 Special Session of the Legislature of Alabama, as amended, with respect to competitive bidding; to exempt an Authority, in the exercise of any powers and authorities granted under this Act, from the jurisdiction and control of the Public Service Commission and all other regulatory bodies and agencies of the State of Alabama; to provide for the use of the public roads by an Authority; and to make other provisions for the operation of an Authority by its board of commissioners and the planning, financing, developing, acquiring, construction, reconstruction, improving, enlarging, owning, operating and maintaining any such systems or facilities.

State Administration.

By Messrs. Crowe, Sandusky, Coburn, Smith (M), Robertson, Higginbotham, Callahan, Sasser, Waggoner and Merrill:

H. 329. To amend Title 14, Section 49, Code of Alabama 1940, as amended, to increase the punishment for conviction of the crime of blackmail from a misdemeanor to a felony, and providing punishment of from one to ten years imprisonment.

State Administration.

By Messrs. Crowe, Sandusky, Cooper, Smith (M), Robertson, Callahan, Sasser, Manley, Morris, Pegues, Waggoner, Rich, Merrill, Biddle, Gafford, Drake and Owens:

H. 330. Proscribing the possession of specified contraband within the confines of correctional institutions, and providing for a further prohibition by institutional officials.

State Administration.

By Messrs. Hill and Lutz:

H. 331. To revise existing bail practices in the courts of Alabama to assure that all persons, regardless of their financial or social status, shall not needlessly be detained pending their appearance to answer charges, to testify, or pending appeal, when detention serves neither the ends of justice nor the public interest, to be known as "The Alabama Bail Reform Act of 1975," prescribing means in addition to the giving of bail

bonds by which a person charged with an offense may give security for appearance in order to secure his release and amending certain sections of the Code of Alabama 1940 to conform with such revision.

State Administration.

By Messrs. Hill, Hines, Killian and Greer:

H. 332. To promote competition; to prohibit restraints of trade and monopolistic practices and to provide remedies and penalties therefor; to repeal all existing laws inconsistent with this Act.

Judiciary.

By Messrs. Hill, Lee and Brindley:

H. 333. To provide for holding a convention to revise and amend the Constitution of this state.

Constitution and Elections.

By Messrs. Greer, Coburn, Hill, Starkey, Killian, Riddick and Leonard:

H. 334. To permit schools and non-profit institutions to purchase milk and other products distributed by dairy producers in accordance with the competitive bid provisions of Act No. 217, S. 23, Special Session of 1967 (Acts 1967, p. 259) and to stipulate that milk and other products distributed by dairy producers sold to these agencies must be provided by Alabama producers, if available.

Agriculture.

By Mr. Hill:

H. 335. To provide for the uniform Alcoholism and Intoxication Treatment Act; to create a division of alcoholism in the state mental health department, and to provide for the duties of said division; to provide for an interdepartmental coordinating committee and a citizens advisory council on alcoholism; to provide for public and private treatment facilities and enforcement procedures; to provide for voluntary, involuntary and emergency treatment of intoxicated persons; to provide for the adoption of rules and judicial procedures for hearings and trials involving said persons and to repeal conflicting laws.

Health.

By Messrs. Hall, Porter, Johnson, Jolly, Goodwin, Albright, McNair and Boles:

H. 336. To require that governing boards of educational systems or institutions cooperatively develop a grievance procedure with its employees and that such a procedure shall be adopted by June 1, 1978.

Education.

By Messrs. Greer, Coburn and Hill:

H. 337. To designate Lauderdale County Highway No. 14 as a state highway.

Ways and Means.

By Mr. Hill:

H. 338. To provide that the Administrative Director of Courts, with the approval of the Chief Justice, is authorized to appoint and employ not more than two confidential secretaries who shall serve at the pleasure of the Chief Justice; said secretary or secretaries shall be

subject to the Merit System Act only as to pay plan, and shall be assigned to assist retired justices or judges who perform active duty for the Supreme Court or one or both of the courts of appeals.

Ways and Means.

By Messrs. Greer, Coburn, Hill, Starkey, Roberts, Carter and Riddick:

H. 339. To amend Sections 4, 5, 6 and 7 of Act No. 1147, H. 113, Regular Session 1975, (Acts 1975, p. 2251), so as to remove the requirement that the voter's signature on the absentee ballot be acknowledged.

Constitution and Elections.

By Messrs. Hill and Greer:

H. 340. To amend further Section 6 of Act No. 48, H. 34, 5th Special Session 1950 (Acts 1950-1951, Vol. 1, p. 102) which relates to social security for certain officers and employees of the State and local governments of Alabama, so as to authorize the State Agency for Social Security to make further withdrawals for administration purposes.

Judiciary.

By Messrs. Greer, Smith (B), Whatley, Hill, Starkey, Killian, Roberts, Carter, Riddick and Coburn:

H. 341. To amend Sections 39 and 40 of Title 8, Code of Alabama of 1940, by providing for certain increases in non-resident fishing license fees; establishing an issuance fee for non-resident licenses; providing for the distribution of the revenue obtained by such increase; providing for the deletion of any reference as to race from the application for said licenses and providing that such licenses may be used for fishing in any fresh, salt or brackish waters in this state.

Conservation.

By Messrs. Greer, Hill, Killian, Riddick, Leonard and Coburn:

H. 342. To amend the title and Section 1 of Act No. 176, H. 128, 1971 Third Special Session [Acts of 1971, p. 4435; now appearing in Code of Alabama, Recompiled 1958, Title 51, Section 786(4L)], relating to the exemption from all state, county and municipal sales and use taxes of all medicines prescribed by a physician for all persons 65 years of age or older, so as to make all persons exempt from such tax; to repeal Sections 2 and 3 of said Act.

Ways and Means.

By Messrs. McMillan and Sandusky:

H. 343. To appropriate \$30,000.00 from the general fund in the state treasury to the Alabama Coastal Area Board Fund for the current fiscal year ending September 30, 1977.

Ways and Means.

By Messrs. McMillan and Sandusky:

H. 344. To make appropriations from the general fund in the state treasury to the Alabama Coastal Area Board Fund for the fiscal years ending September 30, 1977 and 1978.

Ways and Means.

By Messrs. McMillan and Sandusky:

H. 345. To appropriate \$30,000.00 from the general fund in the state treasury, to the Alabama Coastal Area Board Fund for the fiscal year ending September 30, 1978.

Ways and Means.

By Messrs. Pegues, Morris, Manley, Sasser, Smith (M), Cooper, Crowe, Gafford, Owens, Campbell, Dial and Edwards:

H. 346. To prohibit any telephone company, through any inter-connecting or other agreement with South Central Bell Telephone Company, or its successor, or otherwise, from receiving an automatic increase in its net return, as the result of any order of the Alabama Public Service Commission or court granting an increase to South Central Bell Telephone Company, or its successor, in its intrastate net return; to repeal all laws and parts of laws in conflict herewith, and to provide the effective date of this Act.

Judiciary.

By Messrs. Rich, Robertson, Merrill, Pegues, Morris, Sasser, Smith (M), Cooper, Roberts, Killian and Brindley:

H. 347. To further amend Code of Alabama 1940, Title 48, Section 52, as amended by Act No. 97 of the 1971 Special Session of the Legislature of Alabama approved May 11, 1971 (1971 General Acts, V. 1, pages 171-172) so as to define the reasonable value of a public utility's property to be used as a rate base in fixing utility rates; to eliminate therefrom the amount of new investment to be added in the year immediately following the test period used in arriving at the value of such utility's property; to provide that determination of the rate base shall be calculated on the basis of average values of the property components of the rate base during the most recent 12 month period available; to exclude from the rate base, or in the alternative to require a zero return, on any part thereof arising from or provided by funds available to the utility without cost to it, unless effectively required to be allowed by an act of Congress; to exclude from the rate base any lands acquired after the effective date of this Act by any utility for a use which will require a certificate of convenience and necessity until and unless such certificate of convenience and necessity is issued by the Alabama Public Service Commission; to repeal conflicting laws and to fix the effective date of this Act.

Ways and Means.

By Messrs. Merrill, Rich, Biddle, Owens, Drake, Waggoner, Crowe, Pegues, Morris, Manley, Sasser, Callahan, Higginbotham, Gafford, Smith (M), Robertson, Sandusky, Coburn, Shelton and Holmes (D):

H. 348. To amend Section 15, Title 51, Code of Alabama 1940 relating to homestead exemptions so as to increase the amount of said exemption.

Ways and Means.

By Messrs. Drake, Carter and Roberts:

H. 349. To provide misdemeanor punishment, upon conviction, for the sale of any substance containing alcohol, which substance is not regulated by the Alabama Alcohol Beverage Control Board, when the seller thereof knows or reasonably suspects that such substance will be consumed by any person as a beverage.

Public Welfare.

By Messrs. Manley, McCorquodale, Robertson, Plaster, Kinsey, Smith (C), Merrill, Williams, Warren, Morris, Naramore, Owens, Campbell, Baker, Crawford, Cates, Carothers, Pegues, Wyatt, Folmar, Smith (J), Moore (O), McMillan, Higginbotham, Whatley, McNees, Rich, Lutz, Crowe, Kelley, Johnstone, Hines, Clark, Brindley, Moore (W),



1st Day

Edwards, Smith (M), Holley, Glass, Shelton, Dial, Venable, Killian and Sparks:

H. 350. Proposing an amendment to further amend Article XI, Section 217, of the Constitution of Alabama 1901 relative to ad valorem taxation; further providing for the assessment of taxable property and the levy of such tax.

State Administration.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Manley, McCorquodale, Robertson, Plaster, Kinsey, Smith (C), Merrill, Williams, Warren, Morris, Naramore, Owens, Campbell, Baker, Crawford, Carothers, Cates, Folmar, Pegues, Wyatt, Smith (J), Moore (O), McMillan, Higginbotham, Whatley, McNees, Rich, Lutz, Crowe, Kelley, Johnstone, Hines, Clark, Brindley, Moore (W), Edwards, Smith (M), Holley, Glass, Shelton, Dial, Venable, Killian and Sparks:

H. 351. To amend Section 46, Title 51, Code of Alabama 1940, relating to the assessment of taxes so as to further provide for estimating the value of taxable property.

State Administration.

By Messrs. Manley, Cates, Whatley, Dial and Edwards:

H. 352. To amend Section 15, Title 51, Code of Alabama, 1940 (Recomp. 1958), to increase the homestead exemption from \$2,000 to \$5,000, such exemption being applicable to all state ad valorem taxes.

State Administration.

By Messrs. Manley, Morris, Cooper, Robertson, Smith (M) and Owens:

H. 353. To provide for and require competitive bidding on specified contracts for labor, services, or work, and for the purchase of materials, equipment, supplies or other personal property, made by or on behalf of any public utility or telephone company doing business in the State of Alabama, and prescribing penalties.

Judiciary.

By Mr. Manley:

H. 354. To provide for the attendance of witnesses from outside the State in criminal proceedings and to provide for the summoning of such witnesses and the arrest and service of process; and to provide for the repeal of all laws in conflict; and to provide an effective date.

Judiciary.

By Messrs. Manley and Merrill:

H. 355. To provide further for the organization, admission, consolidation, merger and dissolution of certain corporations, and to prescribe the powers, authority and duties of such corporations, and of the officers, directors and shareholders thereof; subject to the provisions of Section 188 of this Act, to repeal Sections 1 through 86, and 90 through 101 of Act No. 414, General Acts of Alabama, Regular Session 1959, as amended; and Sections 132 through 137 of Title 13 of the Code of Alabama of 1940.

Judiciary.

By Mr. Drake:

H. 356. To authorize and provide for maintenance by the State Highway Department of all roads and drives whether located on state-

owned rights of way or not, which serves cemeteries, churches, mail routes, bus routes or occupied residences in any county having a population of not less than 50,000 nor more than 32,500, according to the 1970 or any subsequent federal decennial census.

Ways and Means.

By Mr. Drake:

H. 357. To prohibit the sale, the offering for sale or the use of steel leg-hold traps designed for capturing wild animals; and to prescribe penalties for violations.

Conservation.

By Mr. Drake:

H. 358. To provide the procedure and conditions under which any utility or telephone company regulated by the Alabama Public Service Commission may increase or decrease any customer's billing for intra-state utility or telephone service by reason of the application of any fuel or tax rate, clause or rider on and after the effective date of this Act.

Ways and Means.

By Mr. Drake:

H. 359. To require refunds or repayment to customers by the affected utility or telephone company of any utility or telephone rates or charges judicially held to be excessive.

Ways and Means.

By Messrs. Cross, Roberts and Martin:

H. 360. To amend Section 2 of Act No. 784, H. 316, 1953 Regular Session [Acts of 1953, p. 1069, as amended; now appearing in Code of Alabama, Recompiled 1958, Title 8, Section 81(15)] relating to the regulation of commercial fishing gear, so as to provide that all setlines, trotlines, snaglines or lawful fish traps shall be identified by attaching the license number, name and address of the owner of such lines and traps.

Conservation.

By Messrs. Folmar and Plaster:

H. 361. To amend further Section 91 of Title 36, Code of Alabama (1940), which authorizes the Director of the Highway Department to issue special permits for movement of certain oversized and overweight vehicles and loads on the state highway system and to collect fees for the issuance of such permit.

Ways and Means.

By Mr. Shelton:

H. 362. To further amend Section 5 of Act No. 21, H. 28, Special Session of 1969 [Acts of Alabama 1969, p. 46; now appearing in Code of Alabama 1940, Recompiled 1958, Title 51, Section 188(1)] levying a privilege or license tax against certain persons and utilities on account of the furnishing of certain utility services and to prescribe the rates and exclusions therefrom so as to further provide for an exclusion for any public school or public institution of higher education.

Ways and Means.

By Messrs. Gafford, Manley and Cooper:

H. 363. To amend Title 5, Section 18, Code of Alabama 1940, relating to state banks, so as to further regulate such banks by requiring that certain annual audits be made and be available on bank premises

REGULAR SESSION  
1st Day

77

to the superintendent of banks; and to authorize the superintendent of banks to promulgate rules and regulations establishing minimum standards for such audits and reports.

Banking.

By Messrs. Owens, Sasser, Callahan, Higginbotham, Sandusky, Crowe, Smith (M) and Waggoner:

H. 364. To require trial judges to charge the jury, in prosecutions for crimes for which the jury by law sets the punishment, as to when and how the defendant, if found guilty, might legally be granted parole, and to allow the prosecutor in such cases to argue the legal possibility of parole to the jury.

State Administration.

By Mr. Owens:

H. 365. To provide for joinder of offenses and joinder of defendants in criminal indictments and for the joint trial of jointly indicted defendants, and to repeal Sections 249 and 319 of Title 15, Code of Alabama (1940).

Judiciary.

By Messrs. Gafford, Morris, Manley and Sasser:

H. 366. To amend Title 5, Section 251, Code of Alabama 1940, relating to supervision fees and assessments paid by savings and loan associations, so as to require that all such fees and assessment collected to be paid into a special fund and appropriated for certain use and benefit of the bureau of savings and loan.

Ways and Means.

By Messrs. Gafford, Morris and Sasser:

H. 367. To amend Title 5, Section 176, Code of Alabama 1940, relating to the method of converting a national bank into a state bank so as to increase the amount of the fee to be paid to the superintendent of banks of Alabama.

Banking.

By Messrs. Gafford, Morris, Manley and Sasser:

H. 368. To amend Section 9 of the "Alabama Small Loan Act", Act No. 374, H. 102, Regular Session 1959 (Acts 1959, Vol. II, p. 972), so as to further regulate examination fees and per diem allowance of examiners to be paid by licensees as cost of examinations.

Banking.

By Messrs. Gafford and Sasser:

H. 369. To amend Section 1, of Act No. 603, H. 69, Regular Session 1957 (Acts 1957, Vol. II, p. 862), relating to special examinations of certain banks by the superintendent of banks so as to further regulate the expenses of such examinations.

Banking.

By Messrs. Gafford, Morris and Callahan:

H. 370. To amend Section 19 of Act No. 2052, S. 122, Regular Session 1971 (Acts 1971, Vol. IV, p. 3300), so as to further regulate the costs and fees of examinations of licensees; and to require that all such costs and fees collected be paid into a special fund and appropriated for certain use and benefit of the bureau of loans.

Ways and Means.

By Messrs. Killian, Starkey and Lutz:

H. 371. To amend Section 4 of Act No. 1103, S. 834, of the 1973 Regular Session (Acts 1973, Vol. III, p. 1867), which act relates to the office of clerk-secretary to each circuit judge of the Thirty-eight Judicial Circuit, so as to further regulate the salary of said clerk-secretary; and to make the effect of its provisions retroactive to October 1, 1976.

Local Legislation No. 1.

By Messrs. Merrill, Shelton and Holmes (D):

H. 372. Relating to counties having a population of not less than 95,000 nor more than 115,000 inhabitants according to the 1970 or any subsequent federal decennial census; further amending Section 1 of Act No. 460, H. 516 of the 1967 Regular Session (Acts 1967, p. 1151), as amended, which act regulates the operation of food stores subject to the Sunday closing statutes and provides certain exemptions thereto, so as to prohibit the operation of such stores with more than five employees.

Local Legislation No. 1.

By Messrs. Shelton, Merrill and Holmes (D):

H. 373. Relating to counties having a population of not less than 95,000 nor more than 115,000 inhabitants according to the 1970 or any subsequent federal decennial census; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way upon privately-owned property.

Local Legislation No. 1.

By Mr. Shelton (With Notice and Proof):

H. 374. Relating to the City of Jacksonville, Calhoun County, regulating further the sale of alcoholic beverages and repealing Act No. 244, H. 702, 1976 Regular Session (Acts of 1976, p. 280).

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 374, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Smith (B), Carter, Roberts, Cross, Starkey, Naramore, Pegues, Killian and Sasser:

H. 375. To prohibit the Department of Conservation and Natural Resources from charging any fee for, entrance into or the use of any play ground area, picnic table, picnic area in any state park and repealing conflicting laws.

Ways and Means.

By Messrs. McNair and Manley:

H. 376. To establish the venue for trials of certain state officials.

Judiciary.

By Mr. Robertson:

H. 377. To provide a cost of living increase be paid to certain retired members of the Employees' Retirement System of Alabama in the same manner and from the same source of funds as is provided in Sec-

**REGULAR SESSION**  
**1st Day**

79

tion 8 of Act No. 515, H. 93 of the 1945 Regular Session, as amended (Acts 1945, p. 734); and to make appropriations sufficient to cover the cost of such increased payments.

**Ways and Means.**

By Mr. Tucker:

H. 378. To regulate the change of zoning classification of property by the governing bodies of counties having a population in excess of 600,000 according to the last or any subsequent federal decennial census and by the governing bodies of municipalities located in such counties; to provide that any owner of property located within 500 feet from property which is the subject of a proposed change in zoning classification shall have the right to protest such change; and to provide that in the event a protest should be filed with respect to any proposed change in zoning classification by a majority of such property owners, other than the State of Alabama, any county or municipality or any agency, instrumentality, board or authority of the State of Alabama or any county or municipality, such change shall not be effected without the affirmative vote of a minimum of three-fourths of the members of the governing body having jurisdiction of the property which is the subject of such proposed change in zoning classification.

**Local Legislation No. 2.**

By Messrs. Baker, Higginbotham, Whatley and Smith (M):

H. 379. To appropriate \$1,500,000.00 from the Special Education Trust Fund in the State Treasury for capital outlay purposes for the Chattahoochee Valley Community College in Phenix City, Alabama.

**Ways and Means.**

By Messrs. Biddle, Sasser, McNees, Smith (B), Moore (O), White, Gafford and Manley:

H. 380. To provide that opinion and reputation evidence and evidence of specific acts relating to the complaining witnesses' previous sexual conduct shall be inadmissible by the defendant in criminal sexual conduct cases, including: rape, sodomy, sexual misconduct, sexual abuse, criminal sexual conduct, or carnal knowledge; to make prohibition against admissibility inapplicable to complaining witness' sexual conduct with defendant; and to provide procedure by which a court may determine relevancy of evidence proposed to be admitted before such evidence is introduced.

**State Administration.**

By Messrs. Biddle, Smith (B), Moore (O), White, Hopping, Gafford and Smith (C):

H. 381. To place certain restrictions on the charging of late fees by utility companies.

**State Administration.**

By Mr. Dial (With Notice and Proof):

H. 382. Relating to Clay County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of Clay County.

**Local Legislation No. 1.**

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 382, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

**JOHN W. PEMBERTON, CLERK**

By Messrs. Higginbotham, Callahan, Sasser, Waggoner, Rich, Biddle, Owens, Crowe, Sandusky, Cooper, Whatley and Baker:

H. 383. To provide that any person convicted of a felony involving bodily harm to another shall serve the sentence imposed without parole; and to repeal conflicting statutes.

State Administration.

### RESOLUTIONS

The following resolutions were introduced:

By Messrs. Holmes (A) and Crowe:

H. J. R. 6. Commending and Thanking Colonel E. C. Dothard and the Alabama State Troopers For Their Work During The Recent Snow and Sub-Freezing Weather.

Whereas, The Alabama Legislature has noted the outstanding work performed by the Alabama State Troopers, under the direction and leadership of Colonel E. C. Dothard, Director of Public Safety for the State of Alabama, during the recent periods of heavy snowfall and sub-freezing temperature throughout our state; and

Whereas, Colonel Dothard's department performing diligently and under the utmost extreme weather conditions, managed to keep the roads clear, help those motorists who became stranded and, in many circumstances actually saved the lives of some of our citizens; and

Whereas, we feel that we reflect the sentiments of all the citizens of our state; now therefore

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, Both Houses Thereof Concurring, That we do commend and voice our appreciation for the hard work and dedication to duty of Colonel E. C. Dothard and the Alabama State Troopers.

BE IT RESOLVED FURTHER, That a copy of this resolution be sent to Colonel Dothard as a token of our appreciation for his services and those of the State Troopers.

On motion of Mr. Holmes (A), the rules were suspended and the resolution, H. J. R. 6, was adopted.

Also:

By Messrs. Holmes (A) and Crowe:

H. J. R. 7. Commending and Thanking the Montgomery Police Department and Road Crews For Their Work During the Recent Snow and Sub-freezing Weather.

WHEREAS, The Alabama Legislature has noted the outstanding work performed by the Montgomery Police Department and Road Crews during the recent periods of heavy snowfall and sub-freezing temperatures; and

WHEREAS, These departments, performing diligently and under the utmost extreme weather conditions, managed to keep the streets and roads clear and help those motorists who became stranded; and

WHEREAS, We feel that we reflect the sentiments of all the citizens of Montgomery; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we do commend and voice our appreciation for the hard work and dedication to duty of the Montgomery Police Department and Road Crews.

BE IT RESOLVED FURTHER, That copies of this resolution be sent to the Montgomery Police Department and the Department of Street Maintenance as a token of our appreciation for their services.

On motion of Mr. Holmes (A), the rules were suspended and the resolution, H. J. R. 7, was adopted.

Also:

By Mr. Holmes (A):

H. J. R. 8. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses concurring thereof that all institutions of higher learning in the State of Alabama be encouraged to adopt and implement an affirmative action program that will assure equal employment opportunities to all.

#### MOTION TO SUSPEND RULES

Mr. Holmes (A) offered the motion to suspend the rules and adopt the resolution, H. J. R. 8.

#### DIVISION OF THE QUESTION

Mr. Manley called for the Division of the Question, and the call was sustained.

#### MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Mr. Holmes (A) to suspend the rules in order to take up for immediate consideration, the resolution, H. J. R. 8, and the motion was lost, lacking a four-fifths vote.

Yeas 29; Nays 22.

Yeas:

Messrs.: Armstrong, Biddle, Buskey, Coburn, Cooper, Harrison, Hilliard, Hines, Holley, Holmes (A), Howard, Jackson (R), Johnson, Johnstone, Jolly, Kennedy, Killian, Lewis, Lutz, McCulley, McMillan, McNair, McNees, Merrill, Porter, Reed, Rich, Sonnier and Tucker.

—29

Nays:

Messrs.: Carothers, Cates, Crawford, Folmar, Gregg, Holmes (D), Hopping, Jackson (F), Lee, Leonard, Manley, Moore (W), Owens, Pegues, Sandusky, Sasser, Smith (M), Turnham, Weeks, Whatley, White and Williams.

—22

The resolution, H. J. R. 8, was read and referred to the Standing Committee on Rules.

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

Also:

By Messrs. Smith (M) and Higginbotham:

H. R. 9. COMMENDING THE VALLEY RESCUE SQUAD, INC.  
FOR ITS OUTSTANDING SERVICE.

WHEREAS, the Valley Rescue Squad, Inc. has provided Chambers and Lee Counties of Alabama, and Troup County, Georgia with outstanding service; and

WHEREAS, the Valley Rescue Squad, Inc. has provided free ambulance service to local football games, given substantial contributions to needy families, participated in the Multiple Sclerosis drive, conducted disaster drills with the hospital, and provided first aid training; and

WHEREAS, the Valley Rescue Squad, Inc. is a member of the Alabama Association of Rescue Squads and the Civil Defense Agency; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, That we most heartily commend the Valley Rescue Squad, Inc. for its outstanding service.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Valley Rescue Squad, Inc.

On motion of Mr. Smith (M), the rules were suspended and the resolution, H. R. 9, was adopted.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 5. URGING SUPPORT OF A CONTRACT BETWEEN  
SOUTHERN NATURAL GAS COMPANY AND THE STATE OF  
ALASKA.

McDOWELL LEE,  
Secretary.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 5. Urging the State of Alaska to lend its approval of a contract with Southern Natural Gas Company.

And finds same correctly enrolled.

TOM DRAKE,  
Chairman.

#### SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.



## RESOLUTION

The following resolution was introduced:

By Mr. Rich:

H. J. R. 10. CREATING A JOINT RULES COMMITTEE CONSISTING OF SEVEN MEMBERS OF THE HOUSE AND SEVEN MEMBERS OF THE SENATE FOR THE PURPOSE OF CREATING A CLIMATE OF HARMONY IN SCHEDULING LEGISLATION, MEETING DATES AND OTHER IMPORTANT MATTERS THAT WOULD BE OF INTEREST TO BOTH HOUSES.

WHEREAS, in years past there have been problems concerning the scheduling of legislation, the determining of meeting dates and a general problem of cooperation between the two bodies; and

WHEREAS, these conflicts have not been in the best interest of the legislative process, state government or the people of Alabama.

THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA that a committee to be known as the "Joint Rules Committee" consisting of seven members of the House Rules Committee and seven members of the Senate Rules Committee is hereby created. These members shall be selected by the presiding officers of the respective bodies. The committee is hereby given the authority to propose scheduling of legislation, scheduling of meeting dates and any other proposals which would be in the interest of promoting a cooperative atmosphere between the two Houses.

Any resolution adopted by this committee shall be considered by the Rules Committees of the respective Houses prior to the following legislative day. If the resolution is given a favorable report by the Rules Committee of either House, it must be considered by the full body no later than the next legislative day following the date of the favorable report of the Rules Committee of either House. Any member of either body can propose by resolution any matter that would concern both Houses by resolution. Such a resolution shall be assigned by the presiding officers of the House in which it was introduced to the "Joint Rules Committee." This resolution shall remain in effect until such time it is repealed.

The resolution, H. J. R. 10, was read and referred to the Standing Committee on Rules.

## RECESS

On motion of Mr. Manley, the House recessed until 6:15 o'clock p. m.

## HOUSE RECONVENED

The hour of 6:15 o'clock p. m. having arrived, the House reconvened. The Speaker called the House to order.

## JOINT SESSION

The hour of 6:15 o'clock p. m. having arrived, the Senate and House of Representatives of the Legislature of Alabama met in Joint Session in the Hall of the House of Representatives, in accordance with House Joint Resolution No. 3 heretofore adopted, for the purpose of hearing an address by the Honorable George C. Wallace, Governor of the State of Alabama.

JOURNAL OF THE HOUSE, 1977  
1st Day

The Joint Session was called to order by the Honorable Jere Beasley, Lieutenant Governor and Presiding Officer of the Senate.

Thereupon, Honorable George C. Wallace, Governor of the State of Alabama, delivered his address to the Members of the Alabama Legislature.

MESSAGE FROM THE SUNSET REVIEW COMMITTEE  
HOUSE OF REPRESENTATIVES  
MONTGOMERY, ALABAMA 36130

February 1, 1977

Honorable Joe C. McCorquodale, Jr.  
Speaker of the House of Representatives  
House of Representatives  
State Capitol Building  
Montgomery, Alabama 36130

Gentlemen:

Submitted herewith are the resolutions containing recommendations of the joint committee appointed pursuant to the "Alabama Sunset Law of 1976," for the continuation or the termination of the agencies relative to which hearings have been held. All criteria data supporting said resolutions are on file in the office of the House Committee on Ways and Means and are available to the members of the Legislature for review.

The Sunset Review Committee

HUGH D. MERRILL,  
Chairman.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Turnham:

H. R. 11. CONGRATULATING MISS SALLIE ALSOBROOK ON RECEIVING THE 1976-77 LEE ACADEMY D. A. R. GOOD CITIZEN AWARD, SPONSORED BY THE LIGHT HORSE HARRY LEE CHAPTER OF D. A. R. IN AUBURN, ALABAMA.

WHEREAS, Miss Sallie Alsobrook a senior at Lee academy has been named the 1976-77 Lee Academy Good Citizen, an award based on leadership, dependability, service, patriotism and scholarship; and

WHEREAS, Miss Alsobrook, daughter of Mrs. John Alsobrook of Cusseta, is a member of Cusseta Baptist Church where she is active in youth choir, acteens, and is treasurer of youth council; and

WHEREAS, She was a Junior Varsity cheerleader and is currently on the varsity cheerleading squad for the third consecutive year; and

WHEREAS, Miss Alsobrook has been on the school paper staff and a member of the girl's varsity basketball squad all four years of high school, a member of the Library Club during her freshman year serving as president during her sophomore year while also becoming a member of both the Anchor and Beta Clubs; and

WHEREAS, As a Junior, she was a member of the Fellowship of Christian Athletes, Pep Club, Beta Club, on the girl's varsity softball

**REGULAR SESSION**  
**1st Day**

85

squad, selected as Class Friendliest, served as Editor of the school paper and secretary of the anchor club; and

WHEREAS, Currently, in her senior year, she is Business Manager of the school paper, copy editor of the yearbook, secretary of Beta Club, and is a member of C. F. A. and Anchor Club, meanwhile being listed consistently on the academic honor rolls at Lee Academy; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, That we heartily congratulate Miss Sallie Alsobrook on her many and varied accomplishments.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Miss Alsobrook.

On motion of Mr. Turnham, the rules were suspended and the resolution, H. R. 11, was adopted.

Also:

By Messrs. Falkenburg and Drake:

H. J. R. 12. COMMENDING DR. S. RICHARDSON HILL, JR., UPON BEING NAMED PRESIDENT OF THE UNIVERSITY OF ALABAMA IN BIRMINGHAM.

WHEREAS, Dr. S. Richardson Hill was recently named President of the University of Alabama in Birmingham; and

WHEREAS, Dr. Hill has served as UAB's vice president for health affairs and director of the Medical Center since 1968 and is recognized as one of the nation's foremost educators and administrators; and

WHEREAS, under Dr. Hill's leadership, the Medical Center has attained a position of pre-eminence among health institutions in the United States; and

WHEREAS, Dr. Hill came to the Medical College of Alabama in 1934 as an assistant professor of medicine, became an associate professor of medicine in 1937, professor in 1962, and was also selected Dean of the Medical School in 1962; and

WHEREAS, as chief executive officer of the Medical Center and dean of medicine Dr. Hill has worked untiringly toward increasing enrollment and expanding all phases of health education to help meet Alabama's need for more health professionals; and

WHEREAS, Dr. Hill is also the director of the University of Alabama System medical education program overseeing medical education at the Tuscaloosa, Huntsville, and Birmingham campuses; and

WHEREAS, in 1976 Dr. Hill received the highest honor the UAB Medical Centers can give one of its faculty members when he was selected 1976 Distinguished Faculty Lecturer; and

WHEREAS, the Medical Center is currently in the midst of one of the largest building programs in the center's history coming about after years of thoughtful planning and creative development that have been the hallmark of Medical Center during Dr. Hill's tenure; and

WHEREAS, Dr. Hill is a graduate of Duke University, the Bowman Gray School of Medicine of Wake Forest University and served his internship and residency at the Harvard University's Peter Bent Brigham Hospital and further served in the U. S. Air Force and on the medical faculty of Harvard University before coming to UAB; and

JOURNAL OF THE HOUSE, 1977  
1st Day

WHEREAS, Dr. Hill is a man of the vision and foresight needed to guide the University of Alabama in Birmingham as a total urban university; and

WHEREAS, the University and the State of Alabama are both fortunate to have a man of Dr. Hill's talent and proven ability to lead UAB; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body heartily commends Dr. S. Richardson Hill on his selection as President of the University of Alabama in Birmingham.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Dr. Hill.

On motion of Mr. Falkenburg, the rules were suspended and the resolution, H. J. R. 12, was adopted.

Also:

By Mr. Holmes (A):

H. J. R. 13. COMMENDING DR. M. C. CLEVELAND, SR. FOR HIS MANY ENDEAVORS AND ACCOMPLISHMENTS IN RELIGIOUS AND EDUCATIONAL FIELDS.

WHEREAS, Dr. M. C. Cleveland, Sr., Pastor of the Day Street Baptist Church in Montgomery, Alabama, has served long, diligently and untiringly in Religious, Educational and Civic affairs in his community; and

WHEREAS, In addition to holding many other offices and positions, he is now serving as chairman of the Board of Trustees of Selma University; and

WHEREAS, Dr. Cleveland has given unselfishly of his time and talents, contributing immeasurably to the well-being and needs of his fellowmen; now therefore,

BE IT RESOLVED BY THE LEGISLATURE IF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we sincerely commend Dr. M. C. Cleveland, Sr. for his years of long service to the public.

BE IT RESOLVED FURTHER, That a copy of this resolution be sent to Dr. Cleveland to show our appreciation for his diligence and dedication.

On motion of Mr. Holmes (A), the rules were suspended and the resolution, H. J. R. 13, was adopted.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolution hereafter mentioned was delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 4:20 P. M. On February 1, 1977.

H. J. R. 5

JOHN W. PEMBERTON,  
Clerk.

ADJOURNMENT

On motion of Mr. Manley, the House adjourned until 10:00 o'clock a. m., Thursday, February 3, 1977.

## SECOND DAY

House of Representatives  
Montgomery, Alabama  
Thursday, February 3, 1977

The House met pursuant to adjournment.

## PRAYER

The session was opened with prayer by the Reverend Levi Sides, Pastor, Capitol Heights Church of Christ, Montgomery, Alabama.

## ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—103

A quorum was present.

## REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the first legislative day and finds the same to be correct.

TOM DRAKE,  
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the first legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the first legislative day was approved.

## RESOLUTION

The following resolution was introduced:

By Mr. Manley:

H. R. 14. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when the House adjourns today it will adjourn to meet again Tuesday, February 8, 1977, at 1:00 p.m.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 14, was adopted.

JOURNAL OF THE HOUSE, 1977  
2nd Day

H. 195 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 195 from the Standing Committee on Insurance to the Standing Committee on Health.

H. 206 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 206, from the Standing Committee on Health to the Standing Committee on Conservation.

BILLS ON SECOND READING

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 100. To adopt a Code of laws for the State of Alabama.

H. 101. To create the Alabama Code Commission and to provide for continuing Code Revision.

H. 103. To further amend Section 847 of Title 51 of the Code of Alabama 1940 as heretofore amended by extending each of the time limits set out in said Section 847 by an additional ten days.

H. 104. To further amend Section 712 of Title 51 of the Code of Alabama 1940 as heretofore amended so as to extend by ten days the time allowable for disbursing the money the probate judge receives in respect of motor vehicle licenses and registration fees and to extend by ten days the time allowable to the probate judge for forwarding to the Comptroller and the Department of Revenue a certified list of all motor vehicle licenses issued by the probate judge during the preceding month.

H. 106. To amend Section 5 and 19 of Act 765, Regular Session, 1973 Alabama Legislature, to remove the requirement of a copy of each security interest document when perfecting a security interest in a vehicle of a type which a certificate of title is required; and for related purposes; and to set an effective date.

H. 340. To amend further Section 6 of Act No. 48, H. 34, 5th Special Session 1950 (Acts 1950-1951, Vol. 1, p. 102) which relates to social security for certain officers and employees of the State and local governments of Alabama, so as to authorize the State Agency for Social Security to make further withdrawals for administration purposes.

H. 90. Amending Title 61, Section 193, Code of Alabama 1940 which relates to the appraisal of decedents' personal estates so as to increase the fees paid to appraisers for such services from two dollars (\$2.00) per day to twenty-five (\$25.00) per day.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 94. (With Amendment): To amend Section 68, Title 36, Code of Alabama 1940, which relates to the cancellation, suspension and revocation of a driver's license or driving privilege, so as to regulate further conditions prerequisite to the mandatory revocation of a driver's license or driving privilege upon conviction for driving while intoxicated or while an habitual user of narcotic drugs.

REGULAR SESSION  
2nd Day

89

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 152. To amend the Title, Section 1 and Section 2 of Act No. 539, H. 201, 1975 Regular Session (Acts of 1975, p. 1192) which provides that driver licenses and non-driver identification cards bear photographic likeness of the recipient, so as to require that emergency medical data also be placed on all driver licenses and non-driver identification cards.

H. 267. To amend Section 2-316 of Act No. 549, S. 2, Regular Session 1965 (Acts 1965, p. 811) (now appearing in Title 7 A, in the supplement to Code of Alabama, recompiled 1958), which is the Alabama Uniform Commercial Code, and which Section 2-316 concerns the exclusion or modification of the implied warranties of merchantability or fitness for a particular purpose to circumscribe the limitation or exclusion of the implied warranty of merchantability or fitness for a particular purpose in the sale or lease of new consumer goods.

Mr. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 86. Relating to the regulated loan business; providing for regulation, examination, investigation, and licensing of individuals, firms, and corporations engaged in the business of making regulated loans and for the suspension and revocation of licenses issued hereunder for specified reasons; prescribing maximum rates of interest and other charges for loans; providing for the administration and enforcement of the Act, prescribing penalties, providing for the proper repeal of existing laws, including Section 18 (f) of Act No. 2052, S. B. 122 of the Regular Session of 1971, approved October 1, 1971, relating to loans over \$300.00 and Act No. 374, H. B. 102 of the Regular Session of 1959, approved November 6, 1959, relating to the small loan business and Act No. 159, H. B. 233, approved June 23, 1945 (General Acts of Alabama, 1945, page 200), relating to the small loan business and providing for regulation of the same.

H. 85. To authorize the legislature of the State of Alabama to control the usage of certain parking spaces on certain streets immediately adjacent to the capitol grounds in the City of Montgomery; and to direct the Chief of Services of the Division of Services to work in cooperation with the legislature as herein provided.

H. 126. To require a notification procedure for the issuance by counties, cities, towns, municipalities and public corporations of industrial revenue bonds under Act No. 178 enacted at the 1961 Extra Session of the Alabama Legislature (1961 Acts, p. 2147, et seq.), as amended (relating to industrial revenue bonds to be issued by counties), Act No. 756, enacted at the 1951 Regular Session of the Alabama Legislature 1951 Acts, p. 1307, et seq.) as amended (relating to industrial revenue bonds to be issued by municipalities), Act No. 648, enacted at the 1949 Regular Session of the Alabama Legislature (1949 Acts, p. 991, et seq.) as amended (relating to industrial revenue bonds to be issued by industrial development boards), Act No. 516, enacted at the 1955 Regular Session of the Alabama Legislature (1955 Acts, p. 1160, et seq.) as amended (relating to industrial revenue bonds to be issued by medical clinic boards), Act No. 4, enacted at the 1956 Second Special Session of

the Alabama Legislature (1956 Acts, p. 240, et seq.), as amended (relating to industrial revenue bonds to be issued by certain municipalities to finance hotel and motel projects), Act No. 337 enacted at the 1971 Third Extra Session of the Alabama Legislature (1971 Acts, p. 4625, et seq.) (relating to industrial revenue bonds to be issued by certain municipalities to finance hotels and motels projects), to provide, in addition to their present functions and duties, the functions and duties of the Alabama Securities Commission and its Director (established under Act No. 740 enacted at the 1969 Regular Session of the Alabama Legislature, Acts of 1969, p. 1316, et seq. with respect to such industrial revenue bonds, to establish and provide for the membership, functions and duties of the State Industrial Revenue Bond Advisory Council; to authorize the issuance of stop orders by the Alabama Securities Commission and/or the Director delaying or prohibiting the issuance of industrial revenue bonds; to provide for certificates of notification by the Director, the effect of such certificate, and a remedy for failure or refusal of the Director to issue such certificate; to provide for the assessment of filing fees by the Securities Commission; to provide criminal penalties for willful violations of this act or stop orders issued thereunder; and to provide relief from stop orders of the Director by readoption by the governing body of the issuer of the authorizing proceedings, or from stop orders issued by the Alabama Securities Commission by judicial validation under Title 7, Section 169, et seq., Alabama Code of 1940, as amended (relating to the judicial validation of securities issued by counties, cities and towns) and Act No. 859 of the 1953 Regular Session of the Alabama Legislature (Acts of 1953, p. 1148, et seq. (relating to the judicial validation of securities issued by boards and public corporations) and as supplemented in this act for proceedings hereunder, and relief from stop orders of the Council by such judicial validation.

H. 154. To amend Section 290 and 291 of Title 28, Code of Alabama 1940, and Section 282 of Title 28, Code of Alabama 1940, as amended by Section 1 of Act No. 561, Regular Session 1975, Section 285 of Title 28, Code of Alabama 1940, as amended by Section 4 of Act No. 561, Regular Session 1975, all of which provide for credit unions in Alabama, so as to provide for an increased maximum of the par value of a share, to eliminate unnecessary language concerning loans, to elect a president who is an employee of the credit union and to remove statutory restrictions on the disbursement of loan funds.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 326. (With Substitute): To amend Section 33, Act 100 Second Special Session 1959, to exempt food purchased for human consumption that will be prepared and consumed off premises.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 87. To make an appropriation for the support and maintenance of the Walker County Junior College located in Jasper, Walker County, Alabama for the fiscal year ending September 30, 1977.

H. 79. To make an appropriation for the support and maintenance of the Marion Institute, located in Perry County.



REGULAR SESSION  
2nd Day

91

H. 77. To make appropriations for the support and maintenance of Talladega College.

H. 276. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 348. (With Amendment): To amend Section 15, Title 51, Code of Alabama 1940 relating to homestead exemptions so as to increase the amount of said exemption.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 33. Relating to certain positions in the State Department of Revenue, providing that the salaries to be paid to such positions shall be the same as that paid to the positions of Attorney III Supervisor.

H. 60. To make a certain appropriation from the General Fund to cover expenses incurred by state Representative Gary Cooper while attending the annual conference of the Southern Growth Policies Board.

H. 69. To amend Section 5, Act 160, Third Special Session, 1971 Legislature, providing for maintenance of property values and ownership maps in each county after completion of the statewide reappraisal program; providing that the Department of Revenue establish such a program for uniformity of procedures and records; providing that field men involved in classifying property shall have one year experience in appraisal of real property; providing the method for payment of such maintenance appraisal and mapping program. Repeals laws in conflict with this Act.

H. 218. To regulate further the compensation of certain public officers; to provide for such a salary adjustment for Alabama state troopers and police communications officers as will bring the salaries of these employees of the Department of Public Safety to a level approximating the average salary of like employees in the Southeastern United States; to make an appropriation to implement this act; and specifically to provide that this act shall operate to increase the compensation only of those officers named herein and shall not affect the compensation of any other public officer; and to repeal conflicting laws.

H. 219. To make an appropriation to the Governor's Mansion Advisory Board.

H. 127. To authorize the superintendent of the state department of education to contract with any independent firm of his choice, within or without the state and without regard to the state competitive bid laws, for the purpose of conducting an independent study and presenting a program for the regional day school educational needs of the deaf in Alabama, and appropriates a supplemental amount not to exceed \$100,000 out of the Alabama Special Education Trust Fund, to cover the cost of such study, to the state department of education for the current fiscal

year; and to require that the state superintendent of education report the conclusions and recommendations to the legislature by the first day of the 1978 Regular Session.

H. 89. To provide sick leave for full-time support personnel who are non-certificated educational employees in city and county school systems and the Alabama Institute for Deaf and Blind.

H. 132. To exempt the Allen Memorial Home, Inc. from the payment of all state, county and municipal sales and use taxes.

H. 361. To amend further Section 91 of Title 36, Code of Alabama (1940), which authorizes the Director of the Highway Department to issue special permits for movement of certain oversized and overweight vehicles and loads on the state highway system and to collect fees for the issuance of such permit.

H. 32. To amend the title and further amend Sections 1, 3, 4 and 5 of Act No. 755, 1976 Regular Session (Acts of Alabama 1967, Vol. II, p. 1609), as amended, entitled "To provide Supernumerary Tax Collectors, Tax Assessors, License Commissioners, or other elected officials charged with the assessment and/or collection of any ad valorem taxes in the various counties of the State of Alabama; describing their duties, setting up their requirements and qualifications; fixing their compensation; status and tenure of office; and providing for the payment of their salaries," so as to provide further for the requirements, qualifications and compensation for such Supernumerary Tax Collectors, Tax Assessors and License Commissioners, or other elected officials charged with the assessment and/or collection of any ad valorem taxes in this state, in the various counties of the State of Alabama having a population of less than 600,000 inhabitants.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 11. (With Substitute): To authorize the state department of education to establish and maintain public kindergarten programs as an integral part of the public schools in Alabama, and to provide an appropriation from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1978.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 112. (With Amendment): To amend Section 747 of Title 37, Code of Alabama 1940, as amended, to authorize municipalities to levy an increased license tax on banks and branch banks.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 113. To further amend Section 429, Title 51, Code of Alabama 1940, as amended, to eliminate restrictions against levy and assessment of excise or license taxes by municipalities and counties.

**REGULAR SESSION**  
**2nd Day**

93

H. 164. To amend further Section 263, Title 26, Code of Alabama 1940, relating to the Workmen's Compensation Law so as to exclude from coverage professional athletes and certain performers or attendants incidental to professional athletic events.

H. 80. To provide for the payment of tuition and the cost of text-books for an undergraduate student in a state college, junior college, or university, who is the child of a law enforcement officer or fire fighter killed in line of duty; to create a Tuition Eligibility Board to administer the provisions of the Act, and to prescribe its composition, duties and responsibilities; to appropriate necessary funds from the Special Education Trust Fund.

H. 196. To amend Code of Alabama 1940, Title 45, Section 144, as amended, providing a daily prisoner meal allowance, so as to provide for an increase in such allowance.

H. 30. To further amend Section 2 of Act No. 470, S. 182, 1969 Regular Session, as amended, [Acts 1929, page 912; now appearing in Title 55, Section 488(2), Code of Alabama 1940], so as to allow out-of-state travel for employees of institutions under control of the state board of education and employees of local boards of education without prior authorization by the governor, provided such travel shall have been authorized by the president of the institution or the local superintendent of education involved.

H. 111. Relating to the eradication and control of swine diseases: to make an appropriation to the department of agriculture and industries for the fiscal year ending September 30, 1978, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

H. 50. To amend the Alabama Civil Defense Act, Act No. 47, Regular Session 1955 [Acts 1955, p. 267, now appearing as Title 37A, Sections 19(66)-19(90), Code of Alabama, 1940, Recompiled 1958], so as to authorize state grants for local civil defense and emergency preparedness programs.

H. 92. To make appropriation for the support and maintenance of the Tuskegee Institute located in Macon County for the current fiscal year.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 220. To amend Title 51, Section 647, as amended, Code of Alabama 1940, which relates to the excise tax on gasoline used in aviation, so as to stabilize the rate of taxation of gasoline and other fuels used to propel aircraft.

H. 221. To define various terms necessary to the application of trademark law: to provide for registrability of a trademark; to provide for application of registration of a trademark; to provide for issuance of a certificate of registration; to provide for the duration and renewal of a trademark; to provide for the keeping of public records on trademarks; to provide for the cancellation of a trademark; to provide for the classification of goods and services which may be subject to this act; to provide liability for fraudulent registration; to provide liability for infringement of a trademark registered under this act; to provide relief

for injury to business reputation or for dilution of the quality of a trademark registered under this act; to provide remedies for the owner of a trademark registered under this act; and to preserve any common law rights of owners of trademarks.

H. 320. To amend further Section 12 of Act No. 1, H. 46, Regular Session 1945 (General Acts of Alabama 1945, p. 1) entitled "An act to conserve natural resources of the State of Alabama and to prevent the waste thereof by providing for the regulation, control, and supervision of the drilling for and the production and use of oil and gas in the State of Alabama and to provide funds therefor by the levy of a charge of twenty-five dollars upon each well drilled in search of oil and gas in Alabama and a tax equal in amount of two percent of the gross value, at the point of production, of oil and gas produced in Alabama", approved May 22, 1945, as amended, so as to allow spacing in the case of irregular sections which exceed 640 acres and so as to allow the Board to designate drilling or production units of up to 160 acres or one governmental quarter section in the case of oil and 640 acres or one governmental section in the case of gas plus ten percent tolerance so as to allow for irregular sections, and to further allow the Board, after notice and hearing, to establish units in oil and gas pools not to exceed 50 percent greater than 160 acres or one governmental quarter section in the case of oil and 640 acres or one governmental section in the case of gas, provided such action is justified by sufficient technical data indicating that such acreage or lands in excess of the aforesaid limitations is being drained or is in imminent danger of being drained and that the owners of interests in such said excess acreage or land cannot otherwise receive their just and equitable share of production from the pool.

H. 321. To amend Section 9, Subsection (c) (3), Act No. 1, H. 46, Regular Session, 1945 [(General Acts of Alabama 1945, p. 1; now appearing in Title 26, Section 179(32) (c) (3), Code of Alabama (1940) (Recomp. 1958)], so as to increase the requirement and conditions of a bond regarding oil and gas wells.

H. 322. To amend Section 13 of Act No. 1, Regular Session 1945 (General Acts of Alabama 1945, p. 1), approved May 22, 1945, so as to provide for the intergration of other interests as well as for the pooling and for the unitization of tracts of land with regard to oil and gas drilling units and oil and gas pools.

H. 323. To establish and provide regulatory authority and jurisdiction in the State Oil and Gas Board regarding the development of geothermal resources in the State.

H. 324. To amend Section 3, Subsections (c), (d), (e), and (g), of Act No. 352, H. 44, Regular Session, 1957 [(Acts of Alabama, 1957, Vol. I, p. 461; now appearing in Title 26, Section 179 (72) (c), (d), (e), and (g), Code of Alabama (1940) (Recomp. 1958)], so as to render said subsection to clearly include other "interests" as well as "tracts" in unitization orders.

H. 325. To amend Section 2, Subsection C, of Act No. 1, Regular Session 1945 (General Acts of Alabama, 1945, p. 1), approved May 22, 1945, so as to provide for a redefinition of the word "oil" with reference to pool rather than well.

H. 383. To provide that any person convicted of a felony involving bodily harm to another shall serve the sentence imposed without parole; and to repeal conflicting statutes.

H. 380. To provide that opinion and reputation evidence and evidence of specific acts relating to the complaining witness' previous

**REGULAR SESSION**  
**2nd Day**

95

sexual conduct shall be inadmissible by the defendant in criminal sexual conduct cases, including: rape, sodomy, sexual misconduct, sexual abuse, criminal sexual conduct, or carnal knowledge; to make prohibition against admissibility inapplicable to complaining witness' sexual conduct with defendant; and to provide procedures by which a court may determine relevancy of evidence proposed to be admitted before such evidence is introduced.

H. 329. To amend Title 14, Section 49, Code of Alabama 1940, as amended, to increase the punishment for conviction of the crime of blackmail from a misdemeanor to a felony, and providing punishment of from one to ten years imprisonment.

H. 330. Proscribing the possession of specified contraband within the confines of correctional institutions, and providing for a further prohibition by institutional officials.

H. 327. To define an habitual criminal; providing procedure to determine who is an habitual criminal; providing for the indictment, trial, imprisonment, probation, parole and punishment of habitual criminals; prescribing rules of evidence for the trial of habitual criminals; prescribing the powers and duties of courts and juries in the trials of habitual criminals; prescribing the procedure and the powers and duties of courts in appeals from convictions and sentences of habitual criminals; and prescribing the form of complaints, charges, and indictment against habitual criminals.

H. 88. To further authorize each District Attorney to employ assistants to be paid from funds appropriated or otherwise available for that purpose and to provide for the submission of a unified budget for the funding of the Office of District Attorney of the several Judicial Circuits.

H. 83. To further amend Section 2 of Act No. 669, H. 792, General Acts of Alabama 1939 (General Acts of Alabama 1939, p. 1064), now appearing in the Code of Alabama 1940, Recompiled 1958, as Title 48, Section 301(2) and commonly referred to as the Alabama Motor Carrier Act of 1939, as last amended, so as to exempt motor vehicles hauling dirt, sand or gravel from the provisions of the act.

H. 84. To provide that all liquified petroleum gas which is purchased from gas fields in Alabama shall be either metered or weighed and an invoice showing the amount of gas purchased shall be given to the purchaser or his agent and prescribes penalties for the violation of the provisions of the act.

H. 3. To prohibit the abuse, neglect or exploitation of aged or disabled adults; to provide protective services for such persons; to require mandatory reporting by physicians and others of abuse, neglect or exploitation of such persons; to exempt persons reporting such abuse, neglect or exploitation from civil or criminal liability in connection with such reporting; to prescribe penalties for the abuse, neglect or exploitation of aged or disabled adults; and to provide penalties for failure of physicians and other practitioners of the healing arts to report such abuse, neglect or exploitation.

H. 109. To amend Section 4 of Act No. 551, S. 887, Regular Session, 1975, (Acts 1975, p. 1226), so as to allow the Alabama Surface Mining Reclamation Commission to hire without regard to the provisions of the state merit system.

H. 1. To amend the title and Section 1 of Act No. 1137, H. 1757, 1973 Regular Session (Acts of 1967, p. 1921; now appearing in Code of Ala-

bama, Recompiled 1958, Title 36, Section 58(74c)] entitled, "An Act To authorize the State Safety Coordinating Committee to allocate any of its funds to the Department of Education to establish a special fund to be designated as the 'Driver Education and Training Fund' for the express purpose of instituting and conducting a program of prelicensing driver education and training"; so as to extend the allocation of driver education funds to any educational institution in Alabama.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 9. (With Substitute): To amend Section 9 of Act No. 182, S. 442 of the 1976 Regular Session, which act pertains to the commutation of time for certain prisoners for good behavior, so as to make its provisions applicable after the effective date of this act and to remove any retroactive applications.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 331. To revise existing bail practices in the courts of Alabama to assure that all persons, regardless of their financial or social status, shall not needlessly be detained pending their appearance to answer charges, to testify, or pending appeal, when detention serves neither the ends of justice nor the public interest, to be known as "The Alabama Bail Reform Act of 1975," prescribing means in addition to the giving of bail bonds by which a person charged with an offense may give security for appearance in order to secure his release and amending certain sections of the Code of Alabama 1940 to conform with such revision.

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 16. (With Amendment) To provide for the definition of death in cases where respiratory and cardiac functions are maintained by artificial means, to further provide that nothing in the Act shall be construed to prohibit a physician from using customary procedures for determining death in other cases, and to make additional provisions pertaining to the determination of death in those cases in which some part of the body is to be donated for transplantation.

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 301. To amend Section 269 of Title 46, Code of Alabama 1940, as amended, so as to provide for the issuing of limited certificates of qualification to practice medicine without examination to physicians enrolled in approved residency training programs.

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

REGULAR SESSION  
2nd Day

97

H. 120. (With Substitute): To further amend Section 9, Title 14, Code of Alabama 1940, as heretofore amended, so as to further regulate the conditions and circumstances under which abortions may be performed; to provide for the filing and keeping of records required by this act; to provide for the rendition of medical assistance whenever an abortion procedure authorized by this act results in a live birth; to provide that persons and hospitals may elect not to participate in the performance of a criminal abortion.

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment and it was read a second time and placed on the Calendar, to-wit:

H. 293. (With Amendment): To place supervision of public water systems of the state; to empower the State Board of Health to promulgate State Primary and Secondary Drinking Water Regulations; to provide for variances and exemptions; to exercise emergency powers to prevent imminent hazards; to establish procedures for notification of users and concerned agencies of violations which could present health hazards; to require submission of samples and analysis thereof; to establish procedures for permit to furnish water; to provide for penalties and remedies; to provide for the administration of the Act; to punish violators; to allow appeal; and to establish the Safe Drinking Water Fund and appropriate from the said fund.

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 119. To remove civil and criminal liability of any person, hospital or associated organization who refuses to participate in an abortion procedure.

H. 207. To amend Section 21 as amended, of the Professional Corporation Act (Act of 1971, p. 4524, now appearing in Code of Alabama, Recompiled 1958, Title 46, Section 366), so as to allow a consolidated or merged professional corporation to render both medical and dental services within a single professional corporation.

H. 198. A bill to promote the public health of the State of Alabama by safeguarding the financial integrity of health care institutions against malpractice claims; to authorize the establishment, maintenance, administration and operation of any trust established by hospitals or health care units, licensed as such by the State of Alabama, as grantors and as beneficiaries, for the purpose of insuring against general public liability claims based upon acts or omissions of such hospitals or health care units, including without limitation, claims based upon malpractice; to amend Section 12 of Act No. 407, Acts of Alabama, 1971 Regular Session (Section 12, Title 28A, Alabama Code of 1940, as amended), and particularly Section 12 thereof so as to exempt such insurance trust operations from all of the provisions of that title and of the Alabama Insurance Code; to limit the obligations and liabilities of any hospital or health care unit participating in such a trust to the obligation to pay the contributions required of it by any trust agreement to which it is a party; and to provide that this act shall apply to and shall confer all rights, privileges, exemptions and immunities upon any trust established for the purposes contemplated by this act, and the grantors, members, beneficiaries, participants and trustees thereof, whether such trust was established before or after the effective date of this act.

Mr. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 273. To provide that full-time employees and executive officers of the Alabama Council for School Administration and Supervision may elect to become members of the Teachers' Retirement System of Alabama; also to provide that said Council and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

H. 304. To permit the State Board of Education, through the State Superintendent of Education, to enter into an interstate agreement known as the "Interstate Agreement on Qualification of Educational Personnel" for the purpose of establishing cooperative arrangements with other states for persons to meet teacher certification requirements.

H. 56. To amend Section 520, Title 52, Code of Alabama 1940, as amended, relating to the appointment of the board of trustees of the Alabama Institute for Deaf and Blind, so as to provide further for the appointment of board members.

H. 316. To amend Title 52, Section 215(a4) relating to the determination of the number of teacher units allowed, so that the period for which average daily attendance is required is changed from the school year to the first five scholastic months of any school term.

H. 199. To provide that school principals shall supervise the operation and management of schools under policies determined by local boards of education and to assign school principals supervisory responsibilities and the coordination of instructional leadership under the direction of the local school superintendent.

H. 226. To provide that boards of control of local school systems, state public educational institutions and agencies make available payroll deduction of dues for the local affiliate of any general incorporated statewide educators' organization if their employees request this service. Deduction of dues shall not be required for any organization which serves only persons employed in a particular subject matter area or that is not affiliated with a statewide educators organization which is incorporated under Alabama statutes.

H. 272. To provide that any bona fide citizen of the state who is over 65 years of age shall be exempt from paying any tuition at any state supported institution of higher learning.

Mr. Smith (J), Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 250. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to the mode of amending the Constitution; to repeal, supercede and renumber Article XVIII and Amendment No. 24 of said Constitution and all other conflicting provisions thereof.

The above bill was read a second time at length as required by the Constitution.



REGULAR SESSION  
2nd Day

99

Mr. Smith (J), Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 170. (With Amendments): To propose and provide for the submission of a constitutional amendment reaffirming the preamble to the Constitution of Alabama and to revise Article I thereof, which Article asserts the Declaration of Rights; and for the repeal of Article I of the Constitution of Alabama of 1901, as amended.

The above bill was read a second time at length as required by the Constitution.

Mr. Smith (J), Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 229. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to impeachments; to repeal and supersede Article VII and all other conflicting provisions of said constitution, as amended.

The above bill was read a second time at length as required by the Constitution.

H. 205. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, with respect to miscellaneous provisions pertaining to eminent domain, protection of environment and homestead exemptions; to repeal and supersede Sections 205, 206, 207, 208 and 235 of said constitution, as amended, and all other conflicting provisions thereof.

The above bill was read a second time at length as required by the Constitution.

H. 210. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to suffrage and elections; repealing and superseding Article VIII of the Constitution of Alabama of 1901 including Sections 177 through 196 inclusive, as amended, and Amendments No. 10, 14, 41, 49, 90, 96, 109, 207, 223, 285, and 322 and all other conflicting provisions of said constitution.

The above bill was read a second time at length as required by the Constitution.

H. 150. Relating to elections; to amend the nominating procedure by changing the date for primaries, beat or mass meetings, canvass and tabulation of returns, refusal of runoff and certification of nominees and independent candidates; for such purposes, to amend Act No. 1196, S. 1018, 1975 Regular Session (Acts 1975, p. 2349) which relates to primary elections; to repeal Code of Alabama 1940, Title 17, Section 145; and to repeal other conflicting laws.

H. 31. To validate in certain cases elections heretofore held in any school district or in any county at large for the purpose of authorizing a special tax for any school or educational purpose, or for school or educational purposes generally, under the constitution or any amendment thereto, or for the purpose of authorizing the consolidation of school

districts and the levy of such tax in the consolidated district resulting from such consolidation.

The above bill was read a second time at length as required by the Constitution.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 169. To authorize any county or incorporated municipality to issue revenue bonds under the provisions of Subdivision 3 of Article 2 of Chapter 6 of Title 37 of the Code of Alabama of 1940, as amended, for the purpose of refunding the principal of any outstanding general or limited obligation warrants of any such county or incorporated municipality issued (directly or indirectly) for the purpose of financing the acquisition, improvement, enlargement, extension or repair of any water works system, gas system, electric system or sanitary sewer system or that were issued to refund any general or limited obligation warrant or warrants initially issued (directly or indirectly) for any such purpose or purposes, as well as for the combined purpose of refunding the principal of any such general or limited obligation warrants and any other purpose or purposes specified in Section 312 of Title 37 of the Code of Alabama of 1940, as amended.

H. 168. To amend further Code of Alabama 1940, Title 37, Section 10, in relation to the incorporation of unincorporated communities, so as to provide for incorporating less than the area contained in the map or plat accompanying the petition for incorporation.

H. 91. To authorize each municipality in this state to acquire, finance, establish, own, use, operate, manage and control parks, playgrounds and recreational or athletic areas situated wholly or in part outside of its corporate limits; to provide the conditions upon which a park, playground, or recreational or athletic area may be used or established within the corporate limits or police jurisdiction of another municipality or within a county other than that in which a municipality establishing the same shall be situated; to provide that all authority heretofore and hereinafter granted to municipalities with respect to parks, playgrounds and recreational or athletic areas within the corporate limits of a municipality shall be applicable to and may be exercised by a municipality with respect to any park, playground or recreational or athletic area located wholly or in part outside its corporate limits; to provide that a municipality may join and cooperate with one or more municipalities in acquiring, financing, refinancing, providing, establishing, installing, using and managing parks, playgrounds, and recreational or athletic areas, making the same common to the use of such municipalities and in fixing and charging fees and making rules and regulations for the conduct, management and use thereof and providing that all municipalities shall jointly have the same powers and authorities conferred by the act upon each; to authorize governing bodies of two or more municipalities to establish jointly an authority as a public corporation for the purposes of acquiring, financing, refinancing, providing, establishing, installing, using of managing parks, playgrounds, and recreational or athletic areas, making the same common to the use of such municipalities or in fixing and charging fees and in making rules and regulations for the conduct, management and use thereof; to provide that neither the act nor anything therein contained shall be construed as a restriction or limitation upon any power which a municipality might otherwise have under any laws of the state.

H. 41. To grant to counties and municipalities acting separately or jointly the power to acquire and develop industrial or commercial parks, to sell or lease all or part of said parks to private enterprises or other public entities, and to finance such acquisition and development by the issuance of general obligation warrants and refunding warrants of the participating governmental units, to authorize the pledging of taxes in payment thereof, to exempt actions hereunder from other laws of the state, including those respecting financial control, and to declare the provisions hereof severable.

H. 42. To authorize the incorporation with respect to the several counties in this state, of nonprofit public corporations for the purpose of acquiring, enlarging, improving, replacing, expanding, owning, leasing and disposing of properties for the purpose of promoting industry, developing trade, and furthering the use of agricultural, natural and human resources; to provide for the issuance by any such corporation of interest bearing revenue bonds and other interest bearing revenue securities payable solely out of the revenues and receipts from any such properties; to authorize the refunding of any such bonds or securities; to exempt from all taxation in this state each such corporation, its property, corporate activities, income, revenues, securities, the income from its bonds or securities, and conveyances, leases and mortgages to which such corporation is a party; to exempt such corporations from the laws of the state governing usury or prescribing interest rates, to exempt such corporations and all contracts made by it from the laws which provide for competitive bids in connection with certain contracts; to authorize certain conveyances to any such corporation by certain other public corporations and the assumption of the indebtedness thereof.

H. 233. To remove all water works systems having 100 customers or less from regulation by the Public Service Commission.

H. 285. To validate in certain cases elections heretofore held in municipalities or counties on the question of the issuance of bonds.

H. 286. To validate in certain cases municipal corporations attempted to be organized under the laws of Alabama which might be invalid because of any irregularity in the procedure for incorporation.

H. 287. To validate in certain cases elections held in municipalities or counties on the question of authorizing any special taxes under the Constitution.

H. 288. To validate, in certain cases, annexations heretofore held by municipalities.

Mr. Carter, Chairman of the Standing Committee on Conservation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 99. (With Amendment): Further regulating the trapping of fur-bearing animals in the State of Alabama; amending Title 8, Section 91, Code of Alabama, 1940 (Recompiled 1958) so as to increase the fees chargeable for the issuance of trapping licenses, prescribing additional regulations relative to traps and designating additional criminal offenses relative to trapping of fur-bearing animals; and placing strict civil liability upon persons who cause injury or damages to persons or property as a result of trapping fur-bearing animals.

Mr. Carter, Chairman of the Standing Committee on Conservation, reported that said Committee in session had acted on the following bill

and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 186. Relating to abandoned strip mine reclamation; to provide for a program of control of soil erosion and sediment damage resulting from unreclaimed abandoned strip mines within the state.

Mr. Carter, Chairman of the Standing Committee on Conservation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 341. (With Amendment): To amend Sections 39 and 40 of Title 8, Code of Alabama of 1940, by providing for certain increases in non-resident fishing license fees; establishing an issuance fee for non-resident licenses; providing for the distribution of the revenue obtained by such increase; providing for the deletion of any reference as to race from the application for said licenses and providing that such licenses may be used for fishing in any fresh, salt or brackish waters in this state.

Mr. Carter, Chairman of the Standing Committee on Conservation, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 310. To amend further Act No. 533, Acts of Alabama, 1957 Regular Session, Page 750, entitled "An Act To Create a Board to be known as the State Board of Registration for Foresters as follows:

H. 311. To amend further Act No. 533, Acts of Alabama, 1957 Regular Session, Page 750, entitled "An Act To Create a Board to be known as the State Board of Registration for Foresters; to provide for the qualification of members of said Board; to provide for the appointment of the members of said Board; to provide for their terms of office; to provide for the organization of said Board; to provide for the powers and duties of said Board; to provide for the registration of Foresters; to provide for the recording of licenses; to provide for the definition of the practice of Forestry; to provide for the revocation of licenses; to provide for fees for the issuance and recording of such licenses; to provide for reciprocity; to create a special fund to be known as the "Professional Foresters Fund," and to regulate expenditures therefrom; to repeal all laws in conflict with this Act; and to make an appropriation," as amended by Act No. 141, Acts of Alabama, 1961 Special Session, page 2082; by Act No. 1051, Acts of Alabama, 1969 Regular Session page 1965; and by Act No. 1202, S. 107, 1973 Regular Session (Acts of 1973, p. 2020); so as to provide for an increase in the registration fee for a license and the annual renewal fee for licenses.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation # 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 29. Proposing an amendment to the Constitution of Alabama of 1901 to provide for the removal, within a prescribed time, of the Coffee County courthouse from Elba and of the annex thereto from Enterprise to New Brockton, provided a majority of the electors voting in the constitutional amendment election in Coffee County approved such an

## 2nd Day

amendment; and to authorize the governing body of Coffee County to accept any financial aid offered to it, including aid from the federal government.

The above bill was read a second time at length as required by the Constitution.

H. 40. To amend Section 18 of Act No. 403, H. 330, 1971 Regular Session (Acts 1971, p. 689), entitled "An Act Requiring the registration and licensing of barbers and barber apprentices, and barber colleges, creating for the administration of this Act a State Board of Barber Examiners, and defining violation of this Act and prescribing penalties therefor," so as to add Cleburne County to the list of counties to which the Act does not apply.

H. 51. To amend Section 1 of Act No. 165, H. 130, 1971 Special Session (Acts of 1971, p. 4413), entitled, "An Act Relating to counties having a population of not less than 10,900 nor more than 11,500 according to the most recent federal decennial census; to provide for the payment of a clerk hire allowance in the Probate Judge's office of such counties," so as to increase the amount of such allowance; to provide that such allowance shall be paid from any available county funds and to provide that the provisions of this act shall be retroactive to January 17, 1977.

H. 52. To provide an expense allowance for the coroner and to authorize the coroner to appoint a deputy coroner in all counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the 1970 or any subsequent federal decennial census.

H. 135. Relating to Clay County; to change the method of compensating the judge of probate, the tax assessor, the tax collector, the clerk of the circuit court and the register of the circuit court; and to fix the compensation for each of such officers, subject to the ratification of a constitutional amendment.

H. 137. To authorize the county commission in all counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the 1970 or any subsequent federal decennial census to appropriate from the county general fund the necessary funds to adequately support those little league athletic programs directly affiliated with any of the public schools in such counties and to provide retroactive effect for said act.

H. 252. To amend Section 1 of Act No. 441, H. 916, 1976 Regular Session (Acts 1976, p. 542) entitled "An Act Relating to counties having populations of not less than 34,000 nor more than 34,800 according to the most recent federal decennial census; to provide an additional expense allowance for members of the governing body of any such county payable out of county funds," so as to change the amount of the additional expense allowance and to make the provisions of the Act retroactive.

H. 10. Relating to Pike County, increasing the pistol permit fee in said county.

H. 212. To authorize the Limestone County Commission to appropriate funds from the Highway Traffic Funds of said county or other funds in the County Treasury for law enforcement purposes in said county, including the payment of the salaries of any deputies that might be employed by the Sheriff of said county.

H. 290. To repeal Act No. 361, H. 1141, Regular Session of 1973 (Acts 1973, p. 515), entitled "An Act Relating to counties having not less

than 16,350 nor more than 16,650 populations, according to the most recent federal decennial census; to provide an additional clerks hire allowance for the Probate Judge of such counties."

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 372. (With Amendment): Relating to counties having a population of not less than 95,000 nor more than 115,000 inhabitants according to the 1970 or any subsequent federal decennial census; further amending Section 1 of Act No. 460, H. 516 of the 1967 Regular Session (Acts 1967, p. 1151), as amended, which act regulates the operation of food stores subject to the Sunday closing statutes and provides certain exemptions thereto, so as to prohibit the operation of such stores with more than five employees.

#### INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. McCorquodale:

H. 384. Providing that the governing body of each county shall pay the expenses incurred by its Judge of Probate and personnel in his office for membership in his State and National organization, and for attendance upon State or National conferences, schools or other functions pertaining to their offices.

Local Government.

By Messrs. Starkey, Carter, Biddle, Brindley, Naramore, Killian, Smith (B) and Greer:

H. 385. To amend further Act No. 206, H. 1, Third Special Session, 1975 (Acts 1975, p. 474), relative to lengths and periods of time for law enforcement officers established for certain increased allowances, so as to include Wildlife Management Area Managers of the Game and Fish Division of the Department of Conservation and Natural Resources within the provisions of the act.

Ways and Means.

By Messrs. Starkey, Carter, Biddle, Brindley, Naramore, Killian and Greer:

H. 386. To amend further Act No. 1180, H. 66, Regular Session 1975 (Acts 1975, p. 2311), relative to overtime payment or compensatory time for state law enforcement officers, so as to include Wildlife Management Area Managers of the Game and Fish Division of the Department of Conservation and Natural Resources within the provisions of this act.

Ways and Means.

By Messrs. Starkey, Carter, Biddle, Brindley, Naramore, Killian, Smith (B) and Greer:

H. 387. To amend Act No. 763, H. 286, Regular Session 1973 (Acts 1973, p. 1145), relative to subsistence allowances for law enforcement officers, so as to include Wildlife Management Area Managers of the Game and Fish Division of the Department of Conservation and Natural Resources within the provisions of the act.

Ways and Means.

**REGULAR SESSION**  
**2nd Day**

105

By Messrs. Albright and McNair:

H. 388. To appropriate \$200,000.00 from the special education trust fund in the state treasury for the construction erection, maintenance and furnishing of a residence and an access road or driveway thereto for the president of the Alabama A and M University.

Ways and Means.

By Messrs. Greer, Hill, Coburn and Goodwin:

H. 389. To amend Sections 1, 2, 3, 4, 6, 10, 11, and 12 of Act No. 773 of the 1967 Regular Session (Acts 1967, Vol. II, p. 1631), which act creates a board of trustees to manage and control Florence State College and relates to their powers, duties, authority and compensation, so as to change the name of the institution and to change the numbered districts from which the members of the board of trustees are chosen.

Education.

By Messrs. Greer, Hill, Coburn and Goodwin:

H. 390. To grant certain institutions of higher learning the power of eminent domain.

Judiciary.

By Mr. Hines:

H. 391. To amend Sections 39, 40 and 41 of Title 8, Code of Alabama 1940, as amended, pertaining to nonresident annual and trip fishing licenses, and the penalty for fishing without a license.

Conservation.

By Messrs. Crowe, Callahan, Sasser, Waggoner, Pegues, Rich, Owens, Sandusky, Smith (M), Robertson, Whatley and Baker:

H. 392. To provide that individuals who are charged and convicted of murder in the first degree, robbery, burglary, and rape and are subsequently sentenced to life imprisonment, shall not be eligible for parole; and to repeal conflicting statutes.

State Administration.

By Mr. Warren (With Notice and Proof):

H. 393. To permit any bank, having its principal place of business in Repton, Alabama to establish, maintain, and operate, within the limits or boundaries of Conecuh County, a branch or additional office or place of business, subject to the approval of the state superintendent of banks.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 393, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Morris, Manley, Pegues, Cooper and Callahan:

H. 394. To amend Code of Alabama 1940, Title 48, Section 82, providing for judicial review of proceedings on appeal from orders of the Alabama Public Service Commission.

Judiciary.

By Messrs. McCulley, Buskey, Kennedy, Cooper, Sonnier, Callahan, Mc-Millan, Glass and Sandusky:

H. 395. Relating to all counties having populations of not less than 300,000 nor more than 600,000 according to the 1970 or any subsequent federal decennial census; to provide for an additional expense allowance for the members of the county board of school commissioners.

Local Legislation No. 3.

By Messrs. Biddle, Carter, Hall and Cross:

H. 396. To amend Act No. 751, Acts of Alabama, 1965 Regular Session, relating to the cost of purchasing non-resident hunting licenses, exempting non-residents under the age of sixteen (16) from having to purchase hunting licenses.

Conservation.

By Messrs. McNees, Smith (C), Albright, Sasser and Turnham:

H. 397. To amend Sections 1 through 5 of Act No. 110, H. 100 of the First Special Session of 1965 (Acts 1965, Vol. I, p. 159), which act provides for the establishment, maintenance and operation of a trade school for the prison system, so as to transfer its operation and the land, personal property and buildings to the state board of education.

Education.

By Mr. McCluskey (With Notice and Proof):

H. 398. Relating to Coosa County; authorizing the levy of a tax on the sale and distribution of malt or brewed beverages; providing for the collection of such tax; and allowing the confiscation of such beverages on which such tax has not been paid.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 398, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Smith (J):

H. 399. To further amend Act No. 60, Second Special Session, 1965, as amended by Act No. 2421, Regular Session 1971, which said act levies and provides for the collection of tax upon each criminal and quasi-criminal case and each suit at law or in equity docketed in every Court in the State of Alabama, with certain enumerated exceptions as to Courts and cases; to appropriate the funds derived from said tax for the purpose of paying fees of counsel, court reporters, clerks and registers and other expenses in certain cases wherein the accused is indigent and a portion of the expenses of counties maintaining public defender offices; to specifically amend Section 3 of said Act No. 60, as last amended.

Local Government.

By Mr. Merrill:

H. 400. To authorize the Alabama State Bar Association to expend for payment of salaries certain funds appropriated for expenses other than salaries.

Ways and Means.



**REGULAR SESSION  
2nd Day**

107

By Mr. Merrill:

H. 401. To authorize and direct the Alabama Board of Nursing to promote continuing education for nurses, and to make an appropriation to the Alabama Board of Nursing to fund the development and production of continuing nursing education programs, seminars and workshops for nurses.

Ways and Means.

By Mr. Merrill:

H. 402. To provide a state scholarship program to promote the post baccalaureate education of graduate nurses in an accredited graduate nursing program in Alabama, and making appropriations therefor.

Ways and Means.

By Messrs. Crowe and Sparks:

H. 403. Relating to any county having a population of not less than 16,600 nor more than 16,950 according to the 1970 or any subsequent federal decennial census; providing an expense allowance for the sheriff in any such county.

Local Legislation No. 1.

By Messrs. Pegues, Falkenburg, White, Killian, and Cooper:

H. 404. A bill to regulate and promote the public health and to bring the laws of Alabama into conformity with PL 93-641, The "National Health Planning and Resources Development Act of 1974" (42USC300-k, et. seq); designate the State Board of Health as the State Agency to administer a Certificate of Need program relating to the provision of health care facilities and services in Alabama; to control and regulate the development of health care facilities, and services in such manner and to such degree as to meet the needs of the people of Alabama; to provide a method of cost containment of health care costs; to authorize the State Board of Health to adopt necessary rules, regulations and standards for the review of proposed health care facilities and services and for the issuance of Certificates of Need to those persons proposing health care facilities and services; to designate the Statewide Health Coordinating Council as the agency to advise and consult with the State Board of Health in the promulgation and adoption of rules, regulations and standards, and for the administration of the Certificate of Need program; to establish a Health Facilities Review Council to conduct public hearings required and make recommendations to the State Board of Health on project applications and on rules, regulations and standards; and to prescribe penalties for violation of this Act and the rules, regulations and standards adopted pursuant thereto; to authorize the collection of application fees and to authorize appropriations for the administration of the Act.

Health.

By Mr. Jolly (With Notice and Proof):

H. 405. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Blountsville, in Blount County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 405, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Brindley (With Notice and Proof):

H. 406. To permit banks now or hereinafter situated in, or having a branch in, Etowah County to establish, maintain and operate branch banks and branch offices within the limits of said county for the conduct of a general banking and trust business; and to repeal conflicting laws.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 406, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Morris, Manley, Higginbotham and Gafford:

H. 407. To amend further Title 5, Section 244, Code of Alabama 1940, relating to the savings and loan board, so as to further provide for traveling expenses and per diem allowance for members of the board in connection with the attendance of meetings of the board.

Ways and Means.

By Mr. Lutz:

H. 408. To amend Title 49, Chapter 4 of the Code of Alabama by adding thereto a new Article 6A entitled, The Interstate Compact on the Placement of Children.

Judiciary.

By Messrs. Folmar and Callahan:

H. 409. Defining, regulating and providing for the licensing of employment agencies; providing for the revocation and suspension of licenses subject to appeal; requiring the Department of Industrial Relations to enforce and administer this Act and defining its powers and duties relative thereto; creating and providing for the appointment, term, and duties of an advisory board on licensing of employment agencies to assist the Department of Industrial Relations in administering this Act; prescribing penalties; and repealing conflicting laws.

State Administration.

By Mr. Lutz:

H. 410. To amend Section 3 of Title 27, Code of Alabama 1940, relating to adoptions, so as to further regulate consent for adoption of a child and notice of adoption proceedings.

Judiciary.

By Mr. Kinsey:

H. 411. To further amend Section 7 of Act No. 576, H. 256 of the 1959 Regular Session (Acts 1959, p. 1442), as amended, so as to remove certain sailboats from the requirements of registration.

Ways and Means.

By Messrs. Kinsey and McMillan:

H. 412. Relating to county health officers or administrators in counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the 1970 or any subsequent federal decennial census, authorizing such persons to issue official death certificates; and providing penalties for violation of this Act.

Local Legislation No. 1.

By Messrs. Kinsey and McMillan:

H. 413. Relating to county health officers or administrators; authorizing them to issue official death certificates; and providing penalties for violation of this Act.

Health.

By Mr. Kinsey:

H. 414. To require the Alabama Department of Public Safety to employ, train, and equip eighty (80) state police officers and appropriate monies therefor.

Ways and Means.

By Mr. Kinsey:

H. 415. To amend Section 1 of Act No. 524, S. 185 of the 1975 Regular Session (Acts 1975, Vol. II, p. 1177), which act pertains to the issuance of semi-permanent license plates, so as to permit the owner to retain and use such license plate on another vehicle, upon the payment of any additional motor vehicle license taxes due.

State Administration.

By Messrs. McMillan, Falkenburg, Whatley, Robertson, Dial, Waggoner, Callahan, McCluskey, Biddle, Kinsey and Sandusky:

H. 416. To exempt from the payment of all state, county and municipal sales and use tax wood residue used for fuel, in order to meet the energy crisis by the most feasible ecological means.

Ways and Means.

By Messrs. Coburn and Goodwin:

H. 417. To transfer the LaGrange Historical Site owned by the LaGrange Historical Commission of the State of Alabama to the Alabama Historical Commission.

Ways and Means.

By Messrs. Coburn and Robertson:

H. 418. To provide a State Collective Bargaining Law for employees of the State and any political subdivision thereof and for employees in non-profit institutions financially aided from public funds.

Business and Labor.

By Messrs. Coburn, Sandusky, Biddle, Cooper, Smith (M), Robertson, Callahan, Sasser, Manley, Morris, Pegues, Waggoner, Rich, Merrill, Gafford and Owens:

H. 419. To amend Title 15, Section 45, Code of Alabama, 1940 (Recompiled 1958) so as to increase the amount that can be offered as a reward for the rearrest or apprehension of certain specified individuals.

Ways and Means.

By Messrs. Coburn, Sandusky, Cooper, Smith (M), Robertson, Callahan, Sasser, Manley, Morris, Pegues, Waggoner, Rich, Merrill, Biddle, Gafford and Owens:

H. 420. To amend Title 15, Section 44 of the Code of Alabama, 1940, (recompiled 1958) so as to increase the amount that can be offered as a reward and also specify the crimes for which the reward can be offered.

Ways and Means.

By Messrs. Cooper, Sandusky, Coburn, Crowe, Robertson, Smith (M), Higginbotham, Callahan, Sasser, Manley, Morris, Pegues, Waggoner, Gafford, Biddle and Merrill:

H. 421. To prohibit threats against the person or property of another and to provide penalties therefor.

State Administration.

By Messrs. Cooper, Sandusky, Crowe, Robertson, Smith (M), Higginbotham, Callahan, Sasser, Pegues, Waggoner, Gafford, Merrill and Biddle:

H. 422. To provide that the use of a firearm or destructive device to commit any felony, or to unlawfully carry a firearm during the commission of any felony is in violation of State law and unlawful; to prescribe for punishment in addition to the punishment provided for the commission of the felony; to prescribe mandatory sentencing upon a second or subsequent conviction, and to proscribe terms therefor from running concurrently; and to repeal all conflicting statutes.

State Administration.

By Messrs. Cooper, Sonnier, Callahan, McCulley and Pegues:

H. 423. To amend Title 32, Section 13, Code of Alabama 1940, which relates to pay of legislative interim committees so as to change the method of payment of mileage to the members of such committees.

Ways and Means.

By Messrs. Holmes (D), Merrill, Lutz, Manley, Shelton, Killian, Smith (C) and Coburn:

H. 424. To amend Title 11, Section 98, Code of Alabama 1940, relating to juror's fees so as to provide that such fees shall be termed as "expense allowance" rather than "compensation".

State Administration.

By Messrs. Armstrong, Gafford, Smith (B), Sasser, Waggoner, Biddle and Clark:

H. 425. To entitle any person who is sixty-two years or older to use the recreational facilities operated and maintained by the state for one-half the standard fees or charges; to authorize the director, parks division, or the chief of the bureau of outdoor recreation of the department of conservation and natural resources, or such other person in similar capacity, in other state agencies which may have jurisdiction over recreational facilities, to issue and promulgate any reasonable rules and regulations necessary to implement the provisions of this Act.

Ways and Means.

By Messrs. Cross, Martin and Carter:

H. 426. To repeal Title 48, Section 109 which requires the filing with the Public Service Commission a verified list of all railroad tickets, passes, mileage books, issued free or for other than actual bona fide money consideration at full established rates during the preceding year.

State Administration.

By Mr. Cross:

H. 427. This bill amends Section 170, Title 148, Code of Alabama 1940 to change the requirements of the duty of an engineer as to the operation of a railroad locomotive by deleting the requirement that an

engineer must approach a public crossing located in a curve which cannot be seen at least one-quarter of a mile ahead at such speed as to prevent an accident in the event there is an obstruction at the crossing.

Commerce and Transportation.

By Mr. McNair:

H. 428. Relating to emergency medical services in hospitals; authorizing the State Board of Health to establish, promulgate and enforce rules, regulations and minimum standards for the operation of emergency departments in hospitals of this State and to provide for the categorization of hospitals according to the capabilities of such departments and medical services available.

Health.

By Mr. Wyatt:

H. 429. To amend Section 103, Title 52, Code of Alabama 1940, as amended, relating to qualifications of a county superintendent of education; and to repeal Act No. 298, H. 32, 1959 Regular Session (Acts of 1959, p. 871); now appearing in Code of Alabama, Recompiled 1958, Title 52, Section 103 (1); Act No. 38, H. 53, 1969 Special Session (Acts of 1969, p. 95); now appearing in Code of Alabama, Recompiled 1958, Title 52, Section 103 (2) and all other laws or parts of laws in conflict herewith.

Education.

By Mr. Glass:

H. 430. To provide further for the enforcement of support for dependents; to make fleeing the state to avoid the obligation of support a felony and to prescribe punishment therefor; to charge the state department of pensions and security with the duty of locating absconding and otherwise absent parents, husbands, and other persons whether they are within or without this state, and enforcing support obligations against them and of determining paternity whether the person to whom the support is due or the person requesting the determination of paternity is or is not a recipient of public assistance; to authorize the department of pensions and security to charge and collect for services rendered pursuant to this act; and to provide for the addition of the cost of such services to any fine or penalty decreed by a court of competent jurisdiction against the defendant in any criminal case growing out of the defendant's failure to fulfill his obligation to support and for the inclusion in the order of the court in any civil case of a requirement for the payment for the payment of such costs, in addition to support.

Judiciary.

By Mr. Glass:

H. 431. Requiring a rotation system for wreckers; prohibiting speeding, reckless driving, on-the-scene solicitation by wrecker drivers; prohibiting wreckers from going to the scene of a wreck unless called; prohibiting trooper from displaying favoritism in calling wreckers; and establishing penalties.

Highway Safety.

By Messrs. Glass, Johnstone, Taylor, Sonnier, Gafford, Rich, McMillan, Baker, Andrews, Trammell, Higginbotham, Boles, Williams, Smith (C), McCulley and Carter:

H. 432. To amend Sections 2.05 and 2.08 of Act No. 174, S. 94, Third Special Session 1971 (Acts 1971, p. 4423), now appearing as Code of Alabama 1940, Recompiled 1958, Title 49, Section 84(2), so as to exempt any

religious educational institution which provides instruction to children younger than compulsory school age and which is operated as part of an elementary school unit or secondary school unit or an institution of higher learning from the provisions of said Act No. 174.

State Administration.

By Messrs. Callahan and Sandusky:

H. 433. To amend further Code of Alabama 1940, Title 38, Section 77, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

Ways and Means.

By Messrs. Callahan, Drake, Pegues and Sonnier:

H. 434. To establish a student assistance program in the State of Alabama to be known as the Alabama Student Grant Program, which will provide for state grants to certain approved institutions of post-secondary education in Alabama on behalf of and to the credit of eligible students who are bona fide residents of Alabama; to set forth legislative findings and purposes underlying the Program; to provide for the grants payable under the Program; to designate the Alabama Commission on Higher Education to administer the Program; to vest the Alabama Commission on Higher Education with the powers and duties reasonably needed for the effective implementation and administration of the Program; to establish various procedures and requirements concerning the availability of grants, applications for grants, approval and award of grants, renewal of grants, and revocation of grants; to prohibit the use of grants for religious or sectarian purposes and to prohibit the use of money raised for the support of public schools to support schools of a predominantly sectarian or denominational character; to provide for periodic auditing of approved institutions; to provide for periods when there may be sufficient funds to provide such eligible student with a full grant for the terms requested; to provide a penalty for false statements or misrepresentations in connection with the procurement of grants; to make an appropriation funding the program from the Special Education Trust Fund; to provide for severability; to repeal conflicting laws; and to provide an effective date.

Ways and Means.

By Mr. Hines:

H. 435. To provide for penalties increasing the sentences for certain dangerous special offenders; to provide for certain procedures for determining the severity and review of sentences, and to authorize the Attorney General of Alabama to establish and maintain a repository for records of convictions.

Judiciary.

By Messrs. Hines, McMillan, Warren, Callahan, McCulley and McNees:

H. 436. To amend sections 2 and 8 of Act No. 2, H. 47 of the Regular Session of 1945 (Gen. Acts 1945, p. 20), as amended, which levies and provides for the collection and distribution of a severance tax on oil, gas and other hydrocarbons, so as to raise the rate of such tax and to give the increase to the county in which the oil and gas was produced; and to remove the provision that prohibits local taxation on oil and gas; and to repeal laws in conflict herewith.

Ways and Means.

By Messrs. Smith (M) and Higginbotham (With Notice and Proof):

H. 437. Relating to the governing body of Chambers County; amending Sections 1 and 2 of Act No. 475, H. 304, Regular Session 1973

(Acts of 1973, p. 689), which act creates the county commission of Chambers County in lieu of the court of county commission of such county; so as to provide further for the rearrangement of commissioner's districts and for the election, terms and qualifications of the commissioners.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 437, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Smith (M) and Higginbotham (With Notice and Proof):

H. 438. Relating to Chambers County; providing for the reorganization of the county board of education and providing for election and length of term for the new members of such board.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 438, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Smith (M) and Higginbotham (With Notice and Proof):

H. 439. To provide for purging the lists of registered voters in Chambers County; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 439, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Smith (M), Cooper, Pegues, Morris, Manley, Sasser, Callahan, Higginbotham, Robertson and Dial:

H. 440. To require any utility or telephone company that is required to obtain a certificate of public convenience and necessity under Title 48, Section 105 or Section 332 of the 1940 Code of Alabama from the Alabama Public Service Commission for the construction or operation of any facility to give notice of the filing of such application with said Commission to the owners of all lands which are proposed to be acquired for the construction or operation of the facility for which the certificate of convenience and necessity is sought, and to provide that such owners shall be entitled to be heard and to participate in such certificate proceedings; to repeal all laws or parts of laws in conflict herewith and to provide for the effective date of this Act.

State Administration.

By Messrs. Hines and Robertson:

H. 441. To create a committee known as the "Prison Farm and Forestry Advisory Committee" to advise the Board of Corrections farm and forestry operations; providing for the membership, meetings, powers

and duties of such committee; and specifically to implement certain suggestions and recommendations contained in the Prison Task Force Committee Report to the Alabama Legislature, April 29, 1976.

State Administration.

By Messrs. Turnham, Warren, Whatley, Baker and McCulley:

H. 442. To provide for the partial participation of certain retired employees of the Cooperative Extension Service of Auburn University retired under Federal Civil Service Retirement in the state employees' retirement system under the provision of Act No. 697, H. 1601, Regular Session 1975 (Acts 1975, Vol. III, p. 1451), upon such employees making a certain contribution to the employees' retirement system; and to appropriate from the Alabama Special Education Trust Fund such additional sums as necessary to implement the provisions of this Act.

Ways and Means.

By Mr. Andrews (With Notice and Proof):

H. 443. To further amend Section 2 of Act No. 217 of the 1966 Special Session of the Legislature of Alabama, approved August 30, 1966 (Acts of Alabama, 1966 Special Session, page 280, et seq.) entitled "An Act to provide a separate retirement and relief system for certain of the presently active employees of the City of Birmingham who entered the service of the fire department of said city prior to September 19, 1939, and to whom is applicable the pension and relief system provided by Act No. 307 of the 1943 Regular Session of the Legislature of Alabama, as amended, and Act Number 22 of the Second Special Session of the Legislature of Alabama of 1956, to include in said separate system dependents of said presently active employees; and to render said Act No. 307 and Act Number 22 inapplicable to said certain presently active employees and their dependents".

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 443, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Andrews:

H. 444. To amend Section 22 of Act No. 248 of the Legislature of Alabama of 1945 (General Acts of 1945, pages 376-400) establishing a county wide civil service system for counties with a population of 400,000 or more, as amended by Act No. 562, approved October 9, 1947 (General Acts of Legislature of Alabama, 1947, page 398), by Act No. 670, approved September 16, 1953 (Acts of Legislature of Alabama, Regular Session, 1953, page 927), and by Act No. 1600, approved September 17, 1971 (Acts of Legislature of Alabama Regular Session, 1971, page 2754).

Local Legislation No. 2.

By Messrs. Lee, Manley, Merrill, Lutz, Clark, Armstrong, Jackson (R), Carter, Smith (B), Hill, Greer, Johnstone, Kennedy, Holmes (A), Whatley, Smith (M), Lockett, Killian, Brindley, Starkey, Cates, Gafford, Sandusky, Buskey, Hopping, Howard, Kinsey, McNees, McNair, Hines, Sonnier, McMillan, Smith (J), Rich, Falkenburg, Pegues and Albright:

H. 445. To provide an entirely new criminal code for the State of Alabama; defining offenses, fixing punishment; repealing numerous



**REGULAR SESSION**  
**2nd Day**

115

specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

Judiciary.

By Messrs. McMillan and Sonnier:

H. 446. To amend the title and Sections 2 and 3 of Act No. 801, 1951 Regular Session, (being Title 36, Section 89(1), Code of Alabama 1940, Recomp. 1958), entitled "To define a 'Motor Bus' and to provide a maximum permissible length for any motor bus driven or operated upon the highways of Alabama and to repeal all laws in conflict herewith," so as to further provide for a maximum permissible width for any motor bus driven or operated upon the highways of Alabama.

Commerce and Transportation.

By Messrs. Pegues, White, Falkenburg, Cooper, Killian and Campbell:

H. 447. To provide that an inter vivos transfer of assets such as money, land, or buildings is void if it leaves the transferor without means to provide for his subsistence and he did not reserve to himself for life enough from that transfer to provide for his subsistence.

Judiciary.

By Messrs. Pegues, White and Falkenburg:

H. 448. To repeal Act No. 631 passed by the Legislature in the regular session of the 1976 Legislature which provided for an increase in the maximum allowable income one may receive and still obtain medicaid coverage.

Health.

By Messrs. Pegues, White, Falkenburg, Cooper and Killian:

H. 449. To repeal Act No. 641, Regular Session 1976, which prohibited the transfer of assets to meet eligibility requirements for medicaid.

Health.

By Messrs. Pegues, White, Falkenburg, Cooper and Killian:

H. 450. To amend Section 3 of Act No. 626 passed by the Legislature during the Regular Session of 1976 by providing the Act shall become effective only upon the approval of the Department of Health, Education, and Welfare of the federal government.

Health.

By Messrs. Venable, Kinsey and Carter:

H. 451. To create a public employees insurance program which provides health and accident insurance coverage for certain public employees in this state; create a board to administer and effectuate the programs herein provided; prescribe the powers and duties of such board, and provide for funding from the state general fund, Alabama Special Educational Trust Fund to finance the program, and any other funds from which state employees salaries are paid.

Ways and Means.

By Mr. Venable:

H. 452. To amend Title 55, Section 317, Code of Alabama 1940, so as to allow any state government employee to run for municipal office.

State Administration.

By Mr. Venable:

H. 453. To transfer any remaining funds out of the appropriation made to the Department of Conservation, Division of State Parks, Monuments and Historical Sites, by Act No. 653, H. 91, approved September 6, 1961 (Acts 1961, p. 790) to the Alabama Historical Commission to be expended for the restoration and development of the Fort Toulouse Site in Elmore County.

Conservation.

By Messrs. Venable and Plaster:

H. 454. To appropriate \$50,000.00 from the general fund in the state treasury to the general fund of Elmore County as reimbursement for costs incurred in the trial of state inmates in that county.

Ways and Means.

By Mr. Venable:

H. 455. To amend Section 1 of Act No. 610, H. 811, Regular Session 1951 [Acts 1951, p. 1054, now appearing in Code of Alabama, Recompiled 1958, Title 51, Section 835], as amended, relating to license inspectors and their duties; so as to provide that the county commissions or other like governing bodies of the several counties shall appoint a license inspector for each county and repeal conflicting statutes.

Local Government.

By Messrs. McCulley, Morris, Warren, Kelley, Carter, Brindley, Hall, Biddle, Greer, Clark, Smith (C), Wyatt, Sasser, Barron, Smith (M), Shelton, Holmes (D), Reed, Holley, Crawford, Baker, Carothers, Smith (J), Folmar, Hilliard, Holmes (A), Lee, McNair, Boles, Tucker, Porter, Falkenburg, Hopping, Howard, Jackson (R), Harrison, Andrews, Goodwin, Gregg, Smith (B), Starkey, Coburn, Rich, Hines, Dial, Edwards, Whatley, Lewis, Naramore, Moore (W) and Roberts:

H. 456. To provide that all state-owned lands that are now, or have been, leased or subject to lease by private parties for hunting purposes shall be open for public hunting when present leases expire.

State Administration.

By Messrs. Plaster and Smith (C):

H. 457. Relating to soil surveys; to provide for accelerating the soil survey in Alabama so that soil mapping, classification, and interpretation may be completed in 10 years, and to make an appropriation for this purpose.

Ways and Means.

By Mr. Carothers:

H. 458. To provide the Department of Public Safety with the power and authority necessary to supervise, govern, and control the operation and use of wreckers and towing services by operators when engaged in a wrecker or towing service at the scene of accidents investigated by Alabama State Troopers, or any other wrecker or towing services needed by Alabama State Troopers. Provides for a licensing procedure, a rotation system and prohibits wreckers from going to the scene unless they have received an authorized call from the Department of Public Safety or the owner of the vehicle. It also prohibits on-the-scene solicitation by the operators.

State Administration.

By Mr. Tucker:

H. 459. To propose and provide for the submission of a constitutional amendment to the Constitution of Alabama of 1901, as amended, relating to the County of Jefferson.

Local Legislation No. 2.

The above bill was read a first time at length as required by the Constitution.

By Mr. Boles:

H. 460. To further amend Act Number 134 of the 1965 Regular Session of the Legislature of Alabama (Acts of Alabama Regular Session 1965, page 201) approved July 7, 1965, entitled "An Act to authorize the Mayor of any city of this State having a population of 300,000 persons or more according to the last or any subsequent federal census to employ for and in behalf of said city a Chief Administrative Assistant.

Local Legislation No. 2.

By Messrs. Campbell, Clark and Quarles:

H. 461. To further amend Section 5 of Act No. 1056, S. 1, Regular Session of the Legislature of 1973, as amended, referred to as "The State Ethics Act," by deleting certain language in Section 5 so as to prohibit public officials, employees or businesses with which they are associated from receiving any fee, salary, wages or other compensation for services provided to the State, county or municipal instrumentality of government.

Judiciary.

By Messrs. Hilliard, Jolly, Trammell, Hall, Harrison, Hopping, Tucker and Moore (O):

H. 462. To authorize any municipality having two hundred fifty thousand inhabitants or more according to the last or any subsequent federal census to sell and regulate the sale of stolen, abandoned, lost or unclaimed personal property.

Local Legislation No. 2.

## RESOLUTIONS

The following resolutions were introduced:

By Mr. Dial:

H. J. R. 15. COMMENDING MR. S. O. HIGGINS BY HAVING THE LECTURE ROOM OF SOUTHERN UNION STATE JUNIOR COLLEGE NAMED IN HIS HONOR.

WHEREAS, The Southern Union State Junior College recently opened in Wadley, Alabama, and honored Mr. S. O. Higgins of Bremen, Georgia, by naming its lecture room "The S. O. Higgins Lecture Room"; and

WHEREAS, S. O. Higgins, President of Higgins Clothing Company in Lineville, Alabama, has been extremely active in religious and civic affairs, particularly in the organization of the newly-opened Southern Union State Junior College; and

WHEREAS, Mr. Higgins recently celebrated his fiftieth wedding anniversary with his wife, Marie West Higgins; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Mr. S. O. Higgins on his outstanding civic and religious contributions and particularly commend him by having the lecture room of Southern Union State Junior College named in his honor.

RESOLVED FURTHER, That a copy of this resolution be sent to Mr. S. O. Higgins.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 15, on the Clerk's desk for one legislative day.

Also:

By Mr. Dial:

H. J. R. 16. COMMENDING WILLIAM "BILL" YOUNG FOR HIS OUTSTANDING SERVICE TO CLEBURNE COUNTY AS PROBATE JUDGE.

WHEREAS, William "Bill" Young served as Probate Judge of Cleburne County for six years; and

WHEREAS, William "Bill" Young during his term of office rendered an outstanding record of service which included discharging the county's indebtedness, began the Tri-County Juvenile Service (Randolph, Clay and Cleburne) and the Tri-County Criminal Investigation program, initiated the Cleburne County wide water system and set up the first Cleburne County Mental Health program; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily praise William "Bill" Young for his outstanding service to Cleburne County.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to William "Bill" Young.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 16, on the Clerk's desk for one legislative day.

Also:

By Mr. Dial:

H. J. R. 17. COMMENDING WHITE PLAINS HIGH SCHOOL OF OXFORD, ALABAMA, FOR THEIR OUTSTANDING 1976 FOOTBALL SEASON.

WHEREAS, the White Plains High School football team of Oxford, Alabama, played an outstanding 1976 season, winning nine games and losing only one; scoring 293 points on offense, while the defense yielded only 72 points; and

WHEREAS, Head Coach Ed Cleveland, and assistants Evans, Webster, Sparks, and Burroughs worked countless hours helping to develop this fine team; and

WHEREAS, the team members, coaches, cheerleaders, faculty and fans all made special contributions to help achieve a good season; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend the White Plains High School Football Team for their fine 1976 season.

**REGULAR SESSION**  
**2nd Day**

119

**RESOLVED FURTHER**, That a copy of this resolution be sent to the Principal of White Plains High School in Oxford, Alabama, Mr. Wendell E. Robertson.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 17, on the Clerk's desk for one legislative day.

Also:

By Mr. Gafford:

**H. J. R. 18. CREATING A CONTINUING JOINT LEGISLATIVE COMMITTEE TO STUDY THE VARIOUS DEPARTMENTS AND RELATED AGENCIES THEREOF.**

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING**, That there is hereby created a continuing Joint Governmental Study Committee. The committee shall be composed of three members of the House of Representatives and two members of the Senate to be appointed by the Speaker of the House and the President of the Senate, respectively. The committee shall meet at the call of the Speaker of the House as soon as practicable following the adoption of this resolution in order to select a chairman and vice-chairman from the membership. The committee shall meet thereafter at the call of the chairman.

It shall be the duty of the committee to study the various state departments and related agencies thereof; and to make periodic recommendations to the legislature as to legislation which is needed to assure the efficient and economical operations of state government. The committee may enlist the help of the Legislative Fiscal Office, Legislative Reference Service, and the Examiners of Public Accounts. All state officers and department heads shall cooperate with the committee in its work.

The study committee shall have authority to employ secretarial assistants and research assistants. The members of the committee shall receive the same pay, per diem and travel expenses that are received when the legislature is in session, and in addition shall be entitled to actual mileage payment at the rate state employees are reimbursed. The expenses of the study committee shall be paid out of monies appropriated to the use of the legislature.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 18, on the Clerk's desk for one legislative day.

Also:

By Mr. McCluskey:

**H. J. R. 19. COMMENDING MISS JOY PAYNE FOR BEING CHOSEN ALABAMA TEXTILE QUEEN.**

**WHEREAS**, the lovely Miss Joy Payne, a native of Talladega, Alabama and daughter of Mr. and Mrs. L. N. Payne was recently crowned Alabama Textile Queen during the annual pageant held at Lake Guntersville State Park; and

**WHEREAS**, Joy was also chosen by her fellow contestants as Miss Congeniality at the event; and

WHEREAS, the beautiful, poised, personable and articulate Miss Payne will be traveling extensively over the Southeast in the coming year in representing the state textile industry; and

WHEREAS, the talented Miss Payne, a freshman at the University of Alabama, majoring in pre-nursing, won several beauty titles while attending Talladega High School and was head maquette two of the three years while in school, as well as being a member of Senior National Honor Society, president of the Latin Club, and class favorite; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we sincerely commend Miss Joy Payne for being selected the current Alabama Textile Queen, and wish this beautiful and talented young lady from Talladega, Alabama the best in her future endeavors.

RESOLVED FURTHER, That the Clerk of the House of Representatives be directed to send a copy of this resolution to Miss Payne.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 19, on the Clerk's desk for one legislative day.

Also:

By Mr. McCluskey:

H. J. R. 20. COMMENDING MRS. FRANCES CONN, SYLACAUGA EXCHANGE CLUB'S "WOMAN OF THE YEAR"

WHEREAS Frances Winslett Conn has devoted unselfishly of her time and energy to promote the betterment of Sylacauga and Alabama; and

WHEREAS Frances Conn, a native of Camp Hill, is a graduate of the University of Alabama. She is married to Fred Conn and they are the parents of three children: Richard, Alan and Frank; and

WHEREAS she is a charter member and has served as president of the nationally acclaimed Sylacauga Beautification Council for the past two years. During that time she has, on behalf of the organization accepted two major national awards and two major state awards; and

WHEREAS Frances Conn has been a member of the Progressive Study Club for the past seventeen years and now serves as club historian. Long active in P.T.A. work, she is now a member of the Sylacauga High School P.T.A. executive board; and

WHEREAS her civic affiliations also include the Sylacauga Services League of which she is a charter member, past president, and current mental health volunteer committee chairman. She also has worked as a volunteer teacher's aide in city schools; and

WHEREAS Frances Conn and her family attend Wesley Chapel United Methodist Church where she also teaches Sunday School and takes an active part in several church organizations.

WHEREAS Mrs. Frances Conn is the prestigious 29th annual "Woman of the Year" of the Sylacauga Exchange Club; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body wishes to join the Sylacauga Exchange Club in saying to Mrs. Frances Conn, a homemaker,

**REGULAR SESSION**  
**2nd Day**

121

businesswoman and civic leader: "Our community and our state is a better place because of you."

**BE IT FURTHER RESOLVED** that a copy of this resolution be sent to Mrs. Frances Conn.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 20, on the Clerk's desk for one legislative day.

Also:

By Mr. McCluskey:

**H. J. R. 21. HONORING JUDGE G. KYSER LEONARD OF TALLADEGA ON HIS RETIREMENT**

**WHEREAS**, Judge G. Kyser Leonard, the distinguished Probate Judge of Talladega County, and former member of the legislature, retired on December 15, 1976; and

**WHEREAS**, Judge Leonard has served the people of his community and the State of Alabama with uncommon dedication and a recital of his many contributions during his thirty-five years of public service to them and the government of this state are so numerous to list them all is impossible; and

**WHEREAS**, his entry into state service began in 1938 when he was appointed to fill the unexpired term of Coroner Max Hawkins; and

**WHEREAS**, Judge Leonard was elected to office of Coroner in 1941 and re-elected in 1945 and during his nine years in this capacity he conscientiously carried out his duties; and

**WHEREAS**, Judge Leonard was elected to the House of Representatives in 1947 and again in 1951 where he served with distinction; and

**WHEREAS**, the great admiration, trust and confidence of the people Judge Leonard served were manifested when his constituents elected him to the State Senate in 1956 where he zealously served for three terms: 1956 to 1960; 1960 to 1964 and 1967 to 1971; and

**WHEREAS**, Judge Leonard worked tirelessly during his twenty years as a legislator for the betterment of all Alabamians and served with diligence and patience on numerous legislative committees, including: Chairman of County and Boundaries, Constitution, Constitutional Revision and Amendments, Insurance, Mining and Manufacturing, Agriculture, Temperance, Forestry and Conservation, and Aviation and Traffic; and

**WHEREAS**, this versatile gentleman of many talents also was a member of the Rivers and Harbors Board and from 1946 to 1952 he was a guiding hand on the State Board of Embalmers; and

**WHEREAS**, in 1971 the former coroner and legislator was elected Probate Judge of Talladega County where he has demonstrated his wise counsel, deep insight and devotion to duty; and

**WHEREAS**, through the leadership of Judge Leonard a new judicial building was erected which Talladegians justly boast as being one of the finest judicial buildings in this state; and

**WHEREAS**, Judge G. Kyser Leonard has exhibited throughout his life those admirable attributes of friendliness, devotion to duty and concern for his fellowman; and

WHEREAS, this body is deeply appreciative of the outstanding contributions Judge G. Kyser Leonard has made for the progress and welfare of his community and state and we wish to honor him on the occasion of his well-earned retirement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we thank him for his inspirational public service to our beloved State of Alabama and extend our congratulations and best wishes to Judge G. Kyser Leonard for a long and happy retirement.

BE IT FURTHER RESOLVED, That the Clerk of the House send a copy of this resolution to Judge G. Kyser Leonard and that an enrolled copy be sent to the Talladega County governing body to be placed on the wall of the new judicial building in Talladega to honor Judge Leonard.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 21, on the Clerk's desk for one legislative day.

Also:

By Mr. Sasser:

H. R. 22. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H. B. 262.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following important constitutional question which has arisen concerning the pending bill, H. B. 262, a copy of which is attached to this resolution and made a part hereof by reference:

1. Does Section 1 of H. B. 262 conflict with Article 6, Section 150(2) of the Constitution of Alabama 1901 as amended by Amendment No. 328 adopted in 1973?

RESOLVED FURTHER, That the Clerk of the House of Representatives is hereby directed to send five true copies of the pending bill, H. B. 262, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this resolution.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 22, on the Clerk's desk for one legislative day.

Also:

By Mr. Merrill:

H. J. R. 23. COMMENDING DR. PHILIP E. LAMOREAUX FOR HIS MANY OUTSTANDING ACCOMPLISHMENTS DURING 16 YEARS AS STATE GEOLOGIST AND SUPERVISOR FOR THE OIL AND GAS BOARD.

WHEREAS, The Alabama Legislature has noted, with deep regret, the resignation of Dr. Philip E. LaMoreaux as State Geologist and Supervisor for the Oil and Gas Board, marking more than 30 years of dedicated professional service to our State, to our nation and to the world; and



WHEREAS, Dr. LaMoreaux, who received his academic training at Miami (Ohio) University, Denison University and the University of Alabama, receiving an honorary Doctor of Science degree from Denison University; and

WHEREAS, he was prestigiously associated with the U. S. Geological Survey, Water Resources Division, in Alabama as district geologist from 1943 to 1960, becoming Chief of the Ground Water Branch, U. S. Geological Survey, in Washington in 1960; and

WHEREAS, Dr. LaMoreaux was appointed state geologist, Oil and Gas Board supervisor in 1961, also serving on a number of commissions by appointment by the governor including the Advisory Council on Water Resources, an advisor to the Alabama Water Improvement Commission, the State Industrial Advisory Committee, the State Resources Management Committee and Alabama Coastal Management Board; and

WHEREAS, he is noted for his work throughout the world, having participated in many short, advisory or consultant activities through the U. S. Geological Survey, the State Department and United Nations in Asia, Europe and South America, as well as in the United States; and

WHEREAS, Dr. LaMoreaux is recognized as an expert in the field of hydrology and has set up comprehensive water resources investigations in the U. S. and abroad; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body acknowledge with grateful appreciation the innumerable contributions of Dr. Philip E. LaMoreaux to his chosen field, while wishing him continued success with his teaching responsibilities at the University of Alabama, in his pursuit of a writing career and in all his future endeavors.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Dr. LaMoreaux as evidence of our high esteem.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 23, on the Clerk's desk for one legislative day.

Also:

By Mr. Lutz:

H. J. R. 24. CREATING COMMITTEE TO STUDY THE 1976 TAX REFORM ACT

WHEREAS, Congress, by the passage of the Tax Reform Act of 1976, has enacted sweeping changes in the federal laws pertaining to taxes on decedents' estates; and

WHEREAS, some of these changes will have an effect on the estate plans of many Alabama residents as well as on revenues of the State of Alabama; and

WHEREAS, it is desirable and necessary for the Legislature to be informed about the effect of the 1976 Tax Reform Act on the laws of the State of Alabama;

NOW, THEREFORE, BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That a committee to be known as the Committee to Study the 1976 Tax Reform Act is hereby created. Said committee shall be composed of three house members to be appointed by the Speaker of the House and three senate

members to be appointed by the Presiding Officer of the Senate. Said committee shall select its own chairman. The committee shall meet initially at the call of the chairman and thereafter as determined by the committee.

BE IT FURTHER RESOLVED That the committee shall study the impact of the Tax Reform Act of 1976 on the laws of the State of Alabama particularly as it relates to estates of decedents, administration of estates, estate planning and state revenue and shall report its findings and recommendations to the Legislature no later than the twentieth legislative day of the 1977 Regular Session.

The members of the committee hereby created shall receive no compensation other than their regular legislative pay and allowances. The Clerk of the House shall make available to the Committee a clerk to meet with the committee and record its proceedings. The committee shall be authorized to expend a sum not to exceed \$1000 to employ a technical consultant and for other ordinary and necessary expenses. Whenever possible the committee shall utilize the resources of the Legislative Reference Service in drafting legislation recommended by the committee.

The committee shall be dissolved upon the final adjournment of the 1977 Regular Session of the Legislature.

On motion of Mr. Lutz, the rules were suspended and the resolution, H. J. R. 24, was adopted.

Also:

By Mr. Folmar:

H. J. R. 25. NAMING THE NEW NATIONAL GUARD ARMORY IN TROY, ALABAMA THE "RALPH WYATT ADAMS NATIONAL GUARD ARMORY"

WHEREAS, Ralph Wyatt Adams has completed thirty-four years of distinguished service in the military; and

WHEREAS, Ralph Wyatt Adams has served the state and the nation in the National Guard as Assistant Adjutant General of the Alabama Air National Guard and as Acting Chief of Staff of the Alabama Air National Guard; and

WHEREAS, Ralph Wyatt Adams has served many years as a member of the American Legion and is Past Commander of the Montgomery Post No. 2 and is presently a member of the Troy Post No. 70 and a member of the American Legion Boys State Committee; and

WHEREAS, Ralph Wyatt Adams has been instrumental in bringing a new National Guard unit and a new armory to the City of Troy; and

WHEREAS, Ralph Wyatt Adams was instrumental in securing land for a new armory building and is therefore responsible for the actual location of the proposed armory; and

WHEREAS, Ralph Wyatt Adams has been an ardent supporter of all facets of the National Guard, has shown a special pride in the National Guard and in the planning of the new armory and has contributed substantially to establishing an excellent relationship between the National Guard and the City of Troy;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES CONCURRING, that

**REGULAR SESSION**  
**2nd Day**

125

the new National Guard Armory to be constructed in the City of Troy, Alabama, be named the "Ralph Wyatt Adams National Guard Armory" in honor of Ralph Wyatt Adams, and that the Alabama National Guard is directed to cause appropriate signs and markers to be erected and maintained in designating said National Guard Armory after Ralph Wyatt Adams.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent by the Clerk of the House to Dr. Ralph Wyatt Adams and the Alabama National Guard.

The resolution, H. J. R. 25, was read and referred to the Standing Committee on Rules.

Also:

By Mr. McNair:

H. J. R. 26. URGING ENFORCEMENT OF 55 MILE SPEED LIMIT FOR STATE CARS.

WHEREAS, the Alabama Legislature notes that 55 miles per hour is the maximum legal speed on our highways; and

WHEREAS, it is known that excessive speed is one of the major causes of accidents and deaths on our roads; and

WHEREAS, it is also known that the legal maximum speed of 55 miles per hour serves in the best interest of vital conservation of fuels; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that in the interest of highway safety and fuel economy, all state employees, in the operation of state vehicles, adhere strictly, and without exception, to the legally posted speed of 55 miles per hour on our highway.

The resolution, H. J. R. 26, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

I have been directed by the Senate to notify the House that the Senate is now in session and is ready for the transaction of public business.

McDOWELL LEE,  
Secretary.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 2. COMMITTEE NOTIFYING THE GOVERNOR LEGISLATURE NOW IN SESSION.

And the President and Presiding Officer appointed as members on part of the Senate Messrs. Miller and Teague.

McDOWELL LEE,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 3. COMMITTEE TO ESCORT THE GOVERNOR TO THE HOUSE FOR THE JOINT SESSION.

And the President and Presiding Officer appointed as members on part of the Senate Messrs. Goodwin and St. John.

McDOWELL LEE,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 4. RELATIVE TO ADJOURNMENT OF THE TWO HOUSES.

McDOWELL LEE,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 7. COMMENDING AND THANKING THE MONTGOMERY POLICE DEPARTMENT AND ROAD CREWS FOR THEIR WORK DURING THE RECENT SNOW AND SUB-FREEZING WEATHER.

Also:

H. J. R. 6. COMMENDING AND THANKING COLONEL E. C. DOTHARD AND THE ALABAMA STATE TROOPERS FOR THEIR WORK DURING THE RECENT SNOW AND SUB-FREEZING WEATHER.

McDOWELL LEE,  
Secretary.

## RESOLUTIONS

The following resolutions were introduced:

H. R. 27. WHEREAS, certain notice has been made of the House Rules Committee meeting in the House Speaker's Office, and

WHEREAS, certain members of the House of Representatives have made known objections to the continuance of Rules Committee meetings in that office; and

WHEREAS, certain rumors appear caused and persist because of this circumstance; and

WHEREAS, further objections have been raised because the door to that office has not always been open so as to visually appear inviting to all members; and

WHEREAS, certain members of the House Rules Committee themselves object to insinuations caused by these rumors and those members desire to place their actions above and beyond question by any member of the House; and

WHEREAS, House speaker Joe C. McCorquodale, Jr. has himself been greatly inconvenienced by this intrusion

NOW THEREFORE BE IT RESOLVED, That the House Standing Committee on Rules hereafter refrain from meeting in the House Speaker's Office, that the Rules Committee also seek and use other suitable meeting space, and that the Committee on Rules assure the membership of the House of full accord with House Rules.

FURTHER BE IT RESOLVED, That the committee on Rules find suitable space to accommodate meetings where the entrance door can be left in an open position so as to create an inviting appearance to all members of the House as well as other interested parties.

#### MOTION TO SUSPEND RULES

Mr. Gregg offered the motion to suspend the rules and adopt the resolution, H. R. 27.

#### DIVISION OF THE QUESTION

Mr. Turnham called for the Division of the Question, and the call was sustained.

#### MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Mr. Gregg to suspend the rules in order to take up for immediate consideration the resolution, H. R. 27, and the motion was lost, lacking a four-fifths vote.

Yeas 44; Nays 32.

Yeas:

Mr. Speaker, Albright, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Clark, Dial, Drake, Falkenburg, Gafford, Glass, Greer, Hall, Harrison, Hill, Hilliard, Holley, Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kennedy, Leonard, Lockett, McCulley, McNair, Naramore, Porter, Quarles, Rich, Riddick, Roberts, Smith (B), Smith (M), Warren, Whatley, White and Wyatt.

—44

Nays:

Messrs.: Andrews, Armstrong, Baker, Callahan, Carothers, Carter, Cates, Coburn, Crawford, Edwards, Folmar, Goodwin, Higginbotham, Hines, Jackson (F), Kinsey, McCluskey, McMillan, McNees, Manley, Merrill, Moore (O), Moore (W), Morris, Pegues, Sandusky, Sasser, Sonnier, Turnham, Venable, Waggoner and Williams.

—32

The resolution, H. R. 27, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Gregg:

H. R. 28. Commending House Speaker Joe C. McCorquodale, Jr. for his kindness and consideration shown to the members of the House

WHEREAS, House Speaker Joe C. McCorquodale, Jr. has been most kind and considerate to allow the members of the House Rules Committee use of his office to conduct their important business; and

WHEREAS, the Rules Committee's use of Speaker McCorquodale's office has many times caused great inconvenience to our Speaker; and

WHEREAS, there is a desire on behalf of the sponsors of this Resolution to convey their gratitude and appreciation to Speaker McCorquodale, Jr. for his kindness accorded this necessary house function.

NOW, THEREFORE, BE IT RESOLVED that the sponsors herein express their sincere thanks and appreciation to House Speaker McCorquodale, Jr. for the tremendous service he has provided the House by his willingness to accommodate the members of the House and personally suffer by these intrusions.

On motion of Mr. Gregg, the rules were suspended and the resolution, H. R. 28, was adopted.

Yeas 79; Nays 0.

Yeas:

Messrs.: Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Porter, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Turnham, Venable, Waggoner, Warren, Whatley, White and Wyatt.

—79

#### UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for all members voting "Yea" on the resolution, H. R. 28, to be added as co-sponsors.

Also:

By Mr. Holmes (A):

H. J. R. 29. Be it resolved by the Legislature of Alabama both Houses concurring thereof, that International Longshoreman's Association, Local 1410 in Mobile, Alabama, be encouraged to put forth a greater effort in integrating their organization.

#### MOTION TO SUSPEND RULES

Mr. Holmes (A) offered the motion to suspend the rules and adopt the resolution, H. J. R. 29.

#### DIVISION OF THE QUESTION

Mr. Manley called for the Division of the Question, and the call was sustained.

#### MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Mr. Holmes (A) to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 29, and the motion was lost.

**REGULAR SESSION**  
**2nd Day**

129

The resolution, H. J. R. 29, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Holmes (A):

H. J. R. 30. Be it resolved by the Legislature of Alabama both Houses concurring thereof, that International Longshoreman's Association, Local 1459, in Mobile, Alabama, be encouraged to put forth a greater effort in integrating their organization.

The resolution, H. J. R. 30, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Riddick:

H. R. 31. Be it Resolved By The House of Representatives that beginning on the Sixth Legislative Day, a motion to adjourn will not be in order until and unless the House has transacted business for a minimum of six hours exclusive of any periods of recess or until the House business, as evidenced by the completion of the House Calendar, has been completed.

**MOTION TO POSTPONE**

Mr. Manley offered the motion to postpone consideration of the resolution, H. R. 31, until the thirtieth legislative day.

**MOTION TO TABLE LOST**

The motion offered by Mr. Riddick to table the motion offered by Mr. Manley to postpone consideration of the resolution, H. R. 31, to the thirtieth legislative day, was lost.

Yeas 34; Nays 49.

*Yeas:*

Messrs.: Barron, Boles, Brindley, Campbell, Carter, Crowe, Dial, Glass, Greer, Gregg, Hall, Harrison, Hill, Hilliard, Holley, Hopping, Howard, Johnson, Johnstone, Jolly, Killian, Leonard, Lockett, McNair, Martin, Naramore, Rich, Roberts, Smith (B), Starkey, Tucker, Whatley, White and Wyatt.

—34

*Nays:*

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Buskey, Callahan, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Higginbotham, Holmes (A), Holmes (D), Jackson (F), Jackson (R), Kennedy, Kinsey, Lee, Lutz, McMillan, McNees, Manley, Merrill, Moore (O), Morris, Owens, Pegues, Robertson, Sandusky, Sasser, Shelton, Smith (J), Smith (M), Sonnier, Sparks, Turnham, Venable, Waggoner and Williams.

—49

**H. R. 31 POSTPONED**

The question was then on the motion offered by Mr. Manley to postpone consideration of the resolution, H. R. 31, to the thirtieth legislative day, and the motion was adopted.

Yeas 51; Nays 34.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Buskey, Callahan, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake,

Edwards, Falkenburg, Folmar, Gafford, Goodwin, Higginbotham, Holmes (A), Holmes (D), Jackson (R), Jolly, Kennedy, Kinsey, Lee, Lutz, McMillan, McNeas, Manley, Merrill, Moore (O), Moore (W), Morris, Owens, Pegues, Robertson, Sandusky, Sasser, Smith (J), Smith (M), Sonnier, Sparks, Turnham, Venable, Waggoner, Warren and Williams.

—51

*Nays:*

Messrs.: Albright, Barron, Boles, Brindley, Campbell, Carter, Glass, Greer, Gregg, Hall, Harrison, Hill, Hilliard, Holley, Hopping, Howard, Jackson (F), Johnson, Johnstone, Killian, Leonard, Lockett, McNair, Martin, Naramore, Rich, Roberts, Shelton, Smith (B), Starkey, Tucker, Whatley, White and Wyatt.

—34

*Also:*

By Mr. Holmes (D):

H. R. 32. COMMENDING WALTER WELLBORN HIGH SCHOOL PANTHERS FOOTBALL TEAM.

WHEREAS, the Walter Wellborn High School Panthers Football Team won the Alabama High School Area 11 and Region 6 Championship in Class AAA; and

WHEREAS, the Walter Wellborn High School Panthers Football Team worked diligently, long and hard to achieve these fine goals; and

WHEREAS, Coach Johnny Ingram and his assistant coaches are due much credit not only for the high degree of skillful instruction displayed in team play but also for the fine spirit displayed throughout the season; and

WHEREAS, the school spirit enthusiastically led by the cheerleaders was outstanding; and

WHEREAS, the sportmanship of the team and its supporters during the state playoffs was outstanding; and

WHEREAS, the "Panthers Are Back," providing great football entertainment and reminding everyone that truly there is nothing like a "Panther on Friday Night"; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we most heartily commend the Walter Wellborn High School Panthers for their outstanding record.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to Wellborn High School, coaches of said school and to each athlete and cheerleader of Wellborn High School.

On motion of Mr. Holmes (D), the rules were suspended and the resolution, H. R. 32, was adopted.

*Also:*

By Mr. Campbell:

H. J. R. 33. REJECTING THE REPORT OF THE STATE JUDICIAL COMPENSATION COMMITTEE FOR SALARIES AND EXPENSE ALLOWANCES FOR THE JUDICIARY SUBMITTED FEBRUARY 1, 1977.



WHEREAS, the Judicial Compensation Committee has submitted its recommendations to the Alabama Legislature for the salaries and expense allowance for the judiciary as provided by Section 6.09, subsection (d) of Act No. 1051, S. 214 of the 1973 Regular Session; and

WHEREAS, the recommendations submitted by the committee are beyond the fiscal means of the state treasury; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do reject the report and recommendations of the State Judicial Compensation Committee for salaries and allowances for the judiciary.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to all members of the Judicial Compensation Committee.

On motion of Mr. Campbell, the rules were suspended and the resolution, H. J. R. 33, was adopted.

REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 2. Appointing a committee to notify the Governor that the Legislature is in session and ready for the transaction of business.

Also:

H. J. R. 3. Relative to a joint session for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama.

Also:

H. J. R. 6. Commending and thanking Colonel E. C. Dothard and the Alabama State Troopers for their work during the recent snow and sub-freezing weather.

Also:

H. J. R. 7. Commending and thanking the Montgomery Police Department and road crews for their work during the recent snow and sub-freezing weather.

And finds same correctly enrolled.

TOM DRAKE,  
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Turnham:

H. J. R. 34. MOURNING THE TRAGIC DEATH OF CURT ED-  
DENS.

WHEREAS, On Sunday, January 23, 1977, the Legislature of the State of Alabama was shocked and saddened by the tragic and untimely death of Curt Eddens who was killed by electrocution in an accident suffered at the young age of 24; and

WHEREAS, Curt Eddens of Wilmington, North Carolina, a senior in Mechanical Engineering at Auburn University and the son of Mr. and Mrs. Fletcher Eddens of Wilmington, exhibited throughout his short lifetime a youthful and aspiring outlook, vivacity and a warmth of personality, that served as an inspiration to all those privileged to know him; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn, and do deeply regret, the death of Curt Eddens and express our deep and sincere sympathy to his parents, Mr. and Mrs. Fletcher Eddens, and his family to whom a copy of this resolution shall be sent.

On motion of Mr. Turnham, the rules were suspended and the resolution, H. J. R. 34, was adopted.

Also:

By Mr. Turnham:

H. J. R. 35. MOURNING THE TRAGIC DEATH OF ROGER BROOKSHIRE.

WHEREAS, On Sunday, January 23, 1977, the Alabama Legislature was shocked and saddened to learn of the tragic and untimely death of Fire Department Captain Roger Brookshire, who was 31; and

WHEREAS, Roger Brookshire who resided in Auburn, Alabama and was a veteran member of the Auburn Fire Department, was a model of outstanding courage and devotion to duty as he rushed to the aid of a stricken student, a victim of electrocution; and

WHEREAS, Captain Brookshire, an Emergency Medical Trained Fireman, was struck down in the line of duty, while exhibiting the admirable attributes of concern and love for his fellowman, without regard for his own safety; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the tragic death of Captain Roger Brookshire of Auburn and express our deep and heartfelt sympathy to his widow, Mrs. Roger L. Brookshire of Auburn, and to his parents, Mr. and Mrs. J. B. Brookshire of Roanoke, to whom copies of this resolution shall be sent.

BE IT FURTHER RESOLVED, That we do commend and recognize the prompt, courageous and highly trained response and actions of the Auburn Fire Department, and direct that a copy of this resolution be sent to the Department for appropriate display as a memorial to Captain Roger Brookshire.

On motion of Mr. Turnham, the rules were suspended and the resolution, H. J. R. 35, was adopted

Also:

By Messrs. Venable and Plaster:

H. J. R. 36. DESIGNATING THE NINTH ANNUAL MILLBROOK FESTIVAL, TO BE HELD MAY 21, 1977, THE OFFICIAL MONTGOMERY AREA ARMED FORCES DAY CELEBRATION

**REGULAR SESSION**  
**2nd Day**

133

WHEREAS, since 1969, the citizens of the Tri-Community area of Millbrook, Robinson Springs and Coosada have come together annually at the Millbrook Festival to honor the United States Armed Forces; and

WHEREAS, the Millbrook Festival was formed for the purposes of: honoring the members of the United Armed Forces who have made so many sacrifices so that all our citizens may enjoy today's freedoms; developing and maintaining good public relations and fellowship within the community; raising funds to meet local civic needs, particularly for the volunteer fire department and recreational areas; promoting the advantages of this picturesque community which sits amid rolling hills, lush plains and fertile soil; and fostering among its residents a genuine appreciation of their community and its rich cultural heritage; and

WHEREAS, the Millbrook Festival is under the guidance of seven directors of the board and the Millbrook Festival Committee comprised of over twenty participating civic groups, all of whom have been an inspiration exhibiting an enthusiastic community spirit and pride, dedicated to the betterment and progress of their citizens; and

WHEREAS, the ninth annual Millbrook Festival will be held May 21, 1977 to honor the Montgomery area members of the United States Armed Forces; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do commend all those participants of the Millbrook Festival for their true community spirit and we do designate the Ninth Annual Millbrook Festival Armed Forces Day Celebration, to be held on May 21, 1977, as the official Montgomery Area Armed Forces Day Celebration.

BE IT FURTHER RESOLVED, That we do urge all citizens of the Montgomery area to support this worthwhile celebration.

RESOLVED FURTHER, That copies of this resolution be sent to Mr. Warren Hall, Jr., Chairman of the Millbrook Festival, all newspapers in the Wetumpka, Prattville, Tallassee, and Montgomery area, and to the other news media in the Montgomery area.

On motion of Mr. Venable, the rules were suspended and the resolution, H. J. R. 36, was adopted.

Also:

By Messrs. Carter, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

**H. R. 37. EXTENDING TO CLARENCE E. CHESNUT, JR., ALL GOOD WISHES FOR AN EARLY AND COMPLETE RECOVERY.**

WHEREAS, Having learned that our friend and former colleague in the Legislature is hospitalized at University Hospital in Birmingham, following open-heart surgery; and

WHEREAS, Clarence Chesnut of Gaylesville, Cherokee County, Alabama, a merchant, farmer and ginner who is a Methodist and a member of Kappa Sigma Fraternity and the Farm Bureau, has also held many offices and positions, including that of the Chairmanship of the Democratic Executive Committee; and

WHEREAS, This body is ever mindful and deeply appreciative of the innumerable and outstanding contributions Clarence Chesnut has made for the betterment of his community and state; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, That we sincerely and deeply regret the illness of Clarence E. Chesnut, Jr. and do most earnestly pray for his early and complete recovery.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Chesnut that he might know of our good wishes for him and his family.

On motion of Mr. Carter, the rules were suspended and the resolution, H. R. 37, was adopted.

#### MOTION TO ADJOURN LOST

The motion offered by Mr. Goodwin that the House adjourn until 1:00 o'clock p.m., Tuesday, February 8, 1977, was lost.

Yeas 29; Nays 32.

Yeas:

Messrs.: Brindley, Buskey, Cates, Clark, Coburn, Cooper, Edwards, Goodwin, Hopping, Howard, Johnson, Kennedy, Kinsey, Lee, Lutz, McCulley, McMillan, McNees, Moore (O), Morris, Naramore, Porter, Rich, Robertson, Sasser, Shelton, Sparks, Starkey and Warren.

—29

Nays:

Messrs.: Albright, Andrews, Armstrong, Biddle, Campbell, Carothers, Carter, Cross, Crowe, Dial, Gregg, Hall, Holmes (D), Jackson (F), Jackson (R), Johnstone, Leonard, McCluskey, McNair, Manley, Merrill, Owens, Pegues, Quarles, Riddick, Roberts, Smith (B), Smith (C), Turnham, Venable, Waggoner and White.

—32

#### MOTION TO ADJOURN LOST

The motion offered by Mr. Albright that the House adjourn until 1:00 o'clock p.m., Tuesday, February 8, 1977, was lost.

Yeas 17; Nays 22.

Yeas:

Messrs.: Albright, Cross, Falkenburg, Gregg, Higginbotham, Holley, Hopping, Howard, Lutz, McNees, Moore (W), Pegues, Porter, Sandusky, Shelton, Sonnier and Starkey.

—17

REGULAR SESSION  
2nd Day

135

*Nays:*

Messrs.: Barron, Brindley, Carothers, Crawford, Crowe, Gafford, Greer, Hall, Harrison, Hill, Holmes (D), Jackson (F), Jackson (R), Manley, Moore (O), Naramore, Roberts, Tucker, Venable, White, Williams and Wyatt.

—22

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

ADJOURNMENT

On motion of Mr. White and pursuant to the resolution, H. R. 14, heretofore adopted, the House adjourned until 1:00 o'clock p.m., Tuesday, February 8, 1977.

Yeas 41; Nays 24.

*Yeas:*

Messrs.: Albright, Andrews, Baker, Buskey, Callahan, Carter, Cates, Clark, Coburn, Cooper, Cross, Dial, Drake, Edwards, Goodwin, Higginbotham, Hilliard, Holmes (D), Hopping, Howard, Jolly, Lee, Lewis, Lutz, McCulley, McNeas, Manley, Merrill, Moore (W), Pegues, Porter, Quarles, Reed, Robertson, Sasser, Shelton, Smith (M), Sonnier, Starkey, Waggoner and Warren.

—41

*Nays:*

Messrs.: Brindley, Campbell, Carothers, Crawford, Greer, Harrison, Hill, Hines, Holmes (A), Jackson (F), Jackson (R), Killian, Moore (O), Morris, Naramore, Owens, Plaster, Roberts, Smith (B), Smith (C), Tucker, Turnham, Venable and Williams.

—24

THIRD DAY

House of Representatives  
Montgomery, Alabama  
Tuesday, February 8, 1977

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Bruce Johnson, Evangelical Methodist Minister, Prattville, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards,

Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—102

A quorum was present.

### REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the second legislative day and finds the same to be correct.

TOM DRAKE,  
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the second legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the second legislative day was approved.

### RESOLUTIONS

The following resolutions introduced on the second legislative day were read by title, pursuant to Joint Rule 11:

H. J. R. 15. COMMENDING MR. S. O. HIGGINS BY HAVING THE LECTURE ROOM OF SOUTHERN UNION STATE JUNIOR COLLEGE NAMED IN HIS HONOR.

H. J. R. 16. COMMENDING WILLIAM "BILL" YOUNG FOR HIS OUTSTANDING SERVICE TO CLEBURNE COUNTY AS PROBATE JUDGE.

H. J. R. 17. COMMENDING WHITE PLAINS HIGH SCHOOL OF OXFORD, ALABAMA, FOR THEIR OUTSTANDING 1976 FOOTBALL SEASON.

H. J. R. 18. CREATING A CONTINUING JOINT LEGISLATIVE COMMITTEE TO STUDY THE VARIOUS STATE DEPARTMENTS AND RELATED AGENCIES THEREOF.

H. J. R. 19. COMMENDING MISS JOY PAYNE FOR BEING CHOSEN ALABAMA TEXTILE QUEEN

H. J. R. 20. COMMENDING MRS. FRANCES CONN, SYLACAUGA EXCHANGE CLUB'S "WOMAN OF THE YEAR"

H. J. R. 21. HONORING JUDGE G. KYSER LEONARD OF TALLADEGA ON HIS RETIREMENT

H. R. 22. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H. B. 262.

REGULAR SESSION  
3rd Day

137

H. J. R. 23. COMMENDING DR. PHILIP E. LAMOREAUX FOR HIS MANY OUTSTANDING ACCOMPLISHMENTS DURING 16 YEARS AS STATE GEOLOGIST AND SUPERVISOR FOR THE OIL AND GAS BOARD.

On motion of Mr. Owens, the resolutions were adopted en masse.

BILLS ON SECOND READING

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 195. To amend Section 12 of Act No. 407, Acts of Alabama, 1971 Regular Session (Section 12, Title 28A, Code of Alabama 1940, as amended) so as to exempt from the Alabama Insurance Code a trust established by The University of Alabama in Birmingham and its faculty, employees and affiliated organizations for the purpose of wholly or partially providing indemnification against liability claims based upon acts or omissions including without limitations claims based upon malpractice of physicians who are members of the faculty of the University of Alabama School of Medicine and residents and interns employed by the University of Alabama Hospitals for services performed in the Medical Center of the University of Alabama in Birmingham or elsewhere; other employees of the University of Alabama Hospitals and the hospitals located within the Medical Center of The University of Alabama in Birmingham in which such physicians and employees perform services and other persons engaged in the delivery of health care who are associated with the University of Alabama in Birmingham.

H. 296. To require that all drugs and prescriptions dispensed have a label conspicuously bearing either the trade name or generic name; to provide definitions, exceptions hereunder, and penalties for violations; and to authorize the Alabama state board of pharmacy to establish, prescribe, and promulgate standards, rules, and regulations, as necessary, to administer and effect the provisions of this Act.

H. 448. To repeal Act No. 631 passed by the Legislature in the regular session of the 1976 Legislature which provided for an increase in the maximum allowable income one may receive and still obtain medicaid coverage.

H. 449. To repeal Act No. 641, Regular Session 1976, which prohibited the transfer of assets to meet eligibility requirements for medicaid.

H. 450. To amend Section 3 of Act No. 626 passed by the Legislature during the Regular Session of 1976 by providing the Act shall become effective only upon the approval of the Department of Health, Education, and Welfare of the federal government.

H. 197. To recognize the right of an adult person to make a written directive instructing his physician to withhold life-sustaining procedures in the event of a terminal condition; to prescribe the procedure for executing such directive.

Mr. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 363. To amend Title 5, Section 18, Code of Alabama 1940, relating to state banks, so as to further regulate such banks by requiring that certain annual audits be made and be available on bank premises to the superintendent of banks; and to authorize the superintendent of banks to promulgate rules and regulations establishing minimum standards for such audits and reports.

H. 367. To amend Title 5, Section 176, Code of Alabama 1940, relating to the method of converting a national bank into a state bank so as to increase the amount of the fee to be paid to the superintendent of banks of Alabama.

H. 368. To amend Section 9 of the "Alabama Small Loan Act", Act No. 374, H. 102, Regular Session 1959 (Acts 1959, Vol. II, p. 972), so as to further regulate examination fees and per diem allowance of examiners to be paid by licensees as cost of examinations.

H. 369. To amend Section 1, of Act No. 603, H. 69, Regular Session 1957 (Acts 1957, Vol. II, p. 862), relating to special examinations of certain banks by the superintendent of banks so as to further regulate the expenses of such examinations.

Mr. Kinsey, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 224. To prescribe, authorize and regulate investments of life, disability, and burial insurance companies.

H. 225. To allow the Commissioner of Insurance to place an insurance company under an order of supervision after a hearing thereon by appropriate order; setting forth certain prohibited acts while under supervision without prior approval.

Mr. Cross, Chairman of the Standing Committee on Commerce and Transportation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 4. To amend further Section 34, Title 36, Code of Alabama 1940, relating to tire equipment on motor vehicles, so as to allow a certain grace period to provide a person with time to correct the deficiency of any unsafe tires before any fine is levied or prosecution started, to exempt all farm vehicles and sales at wholesale of motor vehicles, and to provide a maximum fine of \$25.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 114. To permit any city in the State of Alabama having a population of not less than 23,000 nor more than 27,000 inhabitants according to the 1970 or any subsequent federal decennial census to adopt the council-manager form of municipal government, to provide for the calling and holding of elections to vote thereon, to provide for the election and term of the first council, to define the legal status, form of government and powers of the city, to provide for subsequent elections of members of the council, their number and their terms of office, to



provide for the qualification, powers and authority of the council, the mayor and the city clerk, and for the election of the mayor and city clerk, to provide for the appointment and removal and to define the powers of the city manager, to provide for an annual budget, its preparation, submission, adoption and effect, to create and define the powers and duties of a department of finance and of the director thereof, to regulate purchases and contracts of the city, and to define their powers and authority, to set up the terms and effects of succession in government of any city adopting the council-manager form of government, to provide for the establishment and re-establishment of districts, to make various other provisions for such form of government of any such city, and to provide for the means of abandoning the council-manager form of government.

H. 203. To authorize the Blount County governing body to levy and collect, in addition to all other taxes heretofore imposed by law, a county excise and privilege tax on every person severing coal within the county; to provide that the proceeds collected therefrom be deposited in the county treasury designated for county roads; to prohibit the expenditure of such funds for bonded indebtedness or road equipment of any nature; to authorize the county governing body to inspect the books of each person severing coal and to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this act; and to prescribe penalties for the violations of the provisions of this act.

H. 265. Relating to Dallas County; declaring guns, rifles, ammunition, other hunting equipment and motor vehicles, including motor boats or power boats, used in illegal nighttime deer hunting in the county to be contraband; and providing for the condemnation and sale thereof for the benefit of the state game and fish fund.

H. 300. Amending Section 1 of Act No. 16, H. 17 of the 1975 Second Special Session (Acts 1975, Vol. I, p. 127), relating to all counties having populations of not less than 26,725 nor more than 27,250 inhabitants according to the 1970 or any subsequent federal decennial census; providing for clerical assistance of the tax assessor and tax collector in such counties, so as to provide that any cost of living increase for county employees automatically shall be applicable to them, retroactively to October 1, 1975.

H. 393. To permit any bank, having its principal place of business in Repton, Alabama to establish, maintain, and operate, within the limits or boundaries of Conecuh County, a branch or additional office or place of business, subject to the approval of the state superintendent of banks.

H. 398. Relating to Coosa County; authorizing the levy of a tax on the sale and distribution of malt or brewed beverages; providing for the collection of such tax; and allowing the confiscation of such beverages on which such tax has not been paid.

H. 139. To provide for and authorize the incorporation of a public corporation as a political subdivision of the state to be named Buttahatchee River Development Authority, for the development of the Buttahatchee River, its tributaries and watershed, for the purposes of navigation, water conservation and supply, flood control, irrigation, industrial development, public recreation and related purposes; to provide for the composition of the board of directors of the Authority; to specify the powers and duties of the Authority and its board of directors; to authorize the Authority to investigate the resources of the

Buttahatchee River watershed, to determine requirements for its full development and control, and to carry out a unified comprehensive program of resource development, together with other powers to effectuate the foregoing objective; to authorize the Authority to acquire land and interests in land by purchase, construction, lease, condemnation or otherwise, and to hold, manage and sell such land and interests therein; to make provisions respecting the establishment and revision of rates, fees and charges for services rendered by the Authority; to provide for the issuance by the Authority for any of its corporate purposes of interest-bearing revenue bonds and notes payable solely out of the revenues of the Authority or out of the revenues of any particular facilities and other property of the Authority, without regard to the specific facilities and other property with respect to which such bonds and notes may have been issued; to provide that such bonds and notes shall constitute negotiable instruments; to provide that such bonds and notes may be secured by a pledge of the revenues from which they are payable, by contracts binding the Authority for the proper application of its revenues and the proceeds of such bonds and notes and by a nonforeclosable mortgage or deed of trust or statutory mortgage lien on the facilities and other property out of the revenues from which such bonds and notes are payable, and to provide that bonds and notes of the Authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by the Authority of obligations respecting facilities and other property acquired by the Authority; to provide for the use of the proceeds of bonds and notes issued by the Authority; to provide for the refunding, by the issuance of bonds and notes of the Authority, of bonds and notes therefore issued or obligations theretofore assumed by it; to provide that bonds and notes issued and contracts entered into by the Authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or other political subdivision of the state; to authorize Marion and Lamar Counties and the municipalities located therein to contribute money to the Authority, without the necessity of an election and with or without consideration therefor; to exempt from all taxation in this state, the Authority, its property, corporate activities, income, revenues, bonds and notes, the income from its bonds and notes, and conveyances, leases and mortgages and deeds of trust to which the Authority is a party, and to exempt the Authority from payment of certain charges to Judges of Probate; to provide that the Authority shall be exempted from regulation and supervision by the Public Service Commission and the State Department of Finance; to provide for the use of public roads in the state by the Authority; and to provide for certain annual reports by the Authority.

H. 289. To amend Title 51, Section 17, Code of Alabama 1940, as amended, which provides rates of assessment for ad valorem taxation for the several counties, so as to include Sumter and Choctaw Counties in the table of counties having special rates in subsection (5) of said Section 17.

H. 292. Proposing an amendment to the Constitution of Alabama relative to the Buttahatchee River Watershed Area.

The above bill was read a second time at length as required by the Constitution.

#### INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

**REGULAR SESSION**  
**3rd Day**

141

By Mr. Glass (With Notice and Proof):

H. 463. Relating to Mobile County; to provide for and require an election before any of the unincorporated areas of Tillman's Corner or Theodore may be annexed to the City of Mobile.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 463, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Leonard:

H. 464. To provide a tax credit not to exceed one thousand dollars (\$1,000.00) in an amount equal to 25% of the cost of equipment used in the taxpayer's principal residence for solar heating, cooling, or heating and cooling if the residence is located in Alabama.

Ways and Means.

By Messrs. Boles, Hall and Hilliard:

H. 465. To reclassify the positions of automotive mechanic within the department of public safety and regulate the salary.

Ways and Means.

By Mr. Coburn:

H. 466. To provide that the fire fighters of any municipality may by the election provided for in this Act designate a bargaining agent to represent them in respect to the wages the municipality employing them pays to them as fire fighters and in respect to other conditions of their employment; to provide the procedure for elections to be called and held under this Act, including the elections to certify a bargaining agent and elections to decertify a bargaining agent; to provide for collective bargaining proceedings to be instituted by the bargaining agent for the fire fighters or the officer, commission or board empowered to establish wages for the fire fighters; to authorize the Director of Labor to establish rules and regulations governing the call of, notice of and conduct or elections held hereunder; to provide for a procedure for binding arbitration; to provide for the appointment of arbitrators and define said arbitrators' jurisdiction and authority; to provide that the arbitrators' decision shall be binding upon all parties; and to provide for the enforcement of such decision by the circuit court and to provide for penalties; and to provide that this Act shall be known as the "Fire Fighters' Employee-Employer Relations Act," and that the provisions thereof are supplementary to and shall be construed in pari materia with Act No. 229, H. 146 (Acts 1967, p. 598).

Business and Labor.

By Messrs. Gafford, White, Waggoner, Falkenburg, Biddle and Moore (O):

H. 467. To amend Section 37 of Title 52 of the Code of Alabama of 1940, as heretofore amended.

Banking.

By Messrs. Kinsey and McMillan:

H. 468. To rename the Intelligence Unit within the Department of Public Safety and to create the Organized Crime Intelligence Unit.

State Administration.

By Mr. Kinsey:

H. 469. To require the commissioner of insurance to issue a re-  
tiring license to an insurance agent who has terminated employment  
with an insurer and to reissue a license to such agent upon resumption  
of employment with an insurer without the necessity of an examination.

Insurance.

By Mr. Kinsey:

H. 470. To amend Section 13 of Act No. 1516, H. 1864, 1971 Regular  
Session [Acts of 1971, p. 2631; now appearing in Code of Alabama Re-  
compiled 1958, Title 22, Sections 140(19)-140(29)], entitled "To provide  
for the regulation of the construction of water wells, to provide a sys-  
tem of reporting information concerning the drilling of water wells and  
results, to provide for the licensing of water well drillers, to provide  
for the promulgation and publication of rules and regulations to effec-  
tuate the provisions of this act, creating a board to be known as the  
Alabama Water Well Standards Board, to provide for the qualification,  
appointment and removal of board members and the filling of vacancies  
and fixing their tenure of office, and providing penalties for violation  
of this act"; so as to exempt Baldwin County from the provisions of  
that act.

Health

By Messrs. Kinsey and McMillan:

H. 471. To designate Johnstone's Crown Shell as the official state  
seashell for the State of Alabama.

State Administration.

By Mr. Kinsey:

H. 472. Providing for a cast net fishing license for non-residents  
and license fee; and providing penalties.

Conservation.

By Mr. Kinsey:

H. 473. To repeal Act No. 1516, H. 1864, 1971 Regular Session [Acts  
of 1971, p. 2631; now appearing in Code of Alabama, Recompiled 1958,  
Title 22, Sections 140(19)-140(29)], entitled "To provide for the regula-  
tion of the construction of water wells, to provide a system of reporting  
information concerning the drilling of water wells and results, to pro-  
vide for the licensing of water well drillers, to provide for the promulga-  
tion and publication of rules and regulations to effectuate the provisions  
of this act, creating a board to be known as the Alabama Water Well  
Standards Board, to provide for the qualification, appointment and re-  
moval of board members and the filling of vacancies and fixing their  
tenure of office, and providing penalties for violation of this act."

Health.

By Messrs. Kinsey and McMillan:

H. 474. To authorize certain rural fire fighting units to purchase  
equipment through the State Forestry Commission.

State Administration.

By Messrs. Kinsey, Roberts, Plaster, Crowe, McCulley and Boles:

H. 475. To amend Sections 3, 4, 5 subsection (c), Section 7 sub-  
sections (a) and (c), and Section 8 of Act No. 863, 1975 Regular Session,  
approved October 7, 1975, which established the Alabama Firefighters'

Personnel Standards and Education Commission, so as to provide further for the executive secretary and clerical assistants of the Commission, to provide that the members of this Commission shall receive per diem for each meeting plus travel expenses as provided by state travel law, to provide a quorum shall be a majority of the members, to correct reference to Section 8 to read "Section 7", to amend minimum age to 18, and to further provide 12 months period for applicant to complete 240 hours training.

State Administration.

By Messrs. Kinsey and McMillan:

H. 476. Providing for the taxing as costs and collection of certain sheriffs fees and allowances and providing for the disposition of such fees and allowances.

Local Government.

By Messrs. Kinsey and McMillan:

H. 477. To amend Section 3 of Act No. 1231, H. 616, 1975 Regular Session (Acts of 1975, p. 2591) entitled "To provide for a retirement system for the sheriffs of the various counties within the state"; so as to provide that any sheriff who dies or otherwise withdraws from the retirement system shall be entitled to receive a full refund of all contributions paid by him.

Local Government.

By Messrs. Kinsey and McMillan:

H. 478. To amend Section 3 of Act No. 637, H. 53, 1976 Regular Session (Acts of 1976, p. 883) relating to the establishment of a joint state-county work-release program for state and county inmates; so as to provide that any transfer of inmates by the state board of corrections shall first be approved by the sheriff of the county in which such inmate is participating in a work-release program.

Local Government.

By Messrs. Smith (B), Riddick, Albright, Gregg, Biddle, Hall, Carter, Moore (W) and Lutz:

H. 479. To exempt radio stations which are operated by any public educational institution or public library from any state or local sales and use taxes.

Ways and Means.

By Mr. Boles:

H. 480. Relating to counties having a population of not less than 500,000 inhabitants according to the most recent federal decennial census; to prohibit the use of injurious traps for the trapping of animals; prescribing a penalty for violation of this act.

Conservation.

By Mr. Merrill:

H. 481. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, and for interest on the public debt and for the public schools, for the fiscal year beginning October 1, 1977.

Ways and Means.

By Mr. Merrill:

H. 482. To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1978.

Ways and Means.

By Mr. Merrill:

H. 483. To provide for and further regulate salaries payable to certain state officers.

Ways and Means.

By Mr. Merrill:

H. 484. To provide for the salary of the Governor.

Ways and Means.

By Mr. Merrill:

H. 485. To establish a student assistance program in the State of Alabama to be known as the Alabama Student Grant Program, which will provide for state grants to certain approved institutions of post-secondary education in Alabama on behalf of and to the credit of eligible students who are bona fide residents of Alabama; to set forth legislative findings and purposes underlying the Program; to provide for the grants payable under the Program; to designate the Alabama Commission on Higher Education to administer the Program; to vest the Alabama Commission on Higher Education with the powers and duties reasonably needed for the effective implementation and administration of the Program; to establish various procedures and requirements concerning the availability of grants, applications for grants, approval and award of grants, renewal of grants, and revocation of grants; to prohibit the use of grants for religious or sectarian purposes and to prohibit the use of money raised for the support of public schools to support schools of a predominantly sectarian or denominational character; to provide for periodic auditing of approved institutions; to provide for periods when there may be sufficient funds to provide such eligible student with a full grant for the terms requested; to provide a penalty for false statements or misrepresentations in connection with the procurement of grants; to make an appropriation funding the program from the Special Education Trust Fund; to provide for severability; to repeal conflicting laws; and to provide an effective date.

Ways and Means.

By Mr. Merrill:

H. 486. To make appropriations for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1978.

Ways and Means.

By Mr. Merrill:

H. 487. To provide salary increases for certain state employees; and to appropriate funds therefor.

Ways and Means.

By Mr. Merrill:

H. 488. To amend Section 2 of Act No. 763 adopted at the 1976 Regular Session which authorizes and provides for the expenditure of any and all funds received to the credit of the Medicaid Program.

Ways and Means.

By Mr. Merrill:

H. 489. To make supplemental appropriations for the use of the Board of Corrections for payment to the various counties for expenses incurred for the housing and confinement of state prisoners in county jails; for the operations of the Department of Public Safety; and for the payment of interest on General Obligation Bonds paid from the State General Fund.

Ways and Means.

By Mr. Merrill:

H. 490. To make appropriations for support and maintenance of the Tuskegee Institute, located in Macon County for the fiscal year ending September 30, 1978.

Ways and Means.

By Mr. Merrill:

H. 491. To make appropriations for the support and maintenance of Talladega College.

Ways and Means.

By Mr. Merrill:

H. 492. To make appropriations for the support and maintenance of the Walker County Junior College located in Jasper, Walker County, Alabama for the fiscal year ending September 30, 1978.

Ways and Means.

By Mr. Merrill:

H. 493. To make appropriations for support and maintenance of the Marion Institute, located in Perry County.

Ways and Means.

By Mr. Merrill:

H. 494. To make appropriations for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1977.

Ways and Means.

By Mr. Merrill:

H. 495. To make appropriations for support and maintenance of the Tuskegee Institute, located in Macon County for the fiscal year ending September 30, 1977.

Ways and Means.

By Mr. Merrill:

H. 496. To make appropriations for the support and maintenance of the Walker County Junior College located in Jasper, Walker County, Alabama for the fiscal year ending September 30, 1977.

Ways and Means.

By Mr. Merrill:

H. 497. To make appropriations for support and maintenance of the Marion Institute, located in Perry County.

Ways and Means.

By Messrs. Trammell, Andrews, Biddle, Boles, Crowe, Naramore, Glass, Quarles, Waggoner, McNees, Moore (O), White, Gafford, Smith (M), Hall, Robertson, Owens, Folmar, Falkenburg, Carter, Jolly and Hilliard:

H. 498. To exempt the Grand Chapter of the Order of the Eastern Star of the State of Alabama from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Mr. Andrews:

H. 499. To amend Section 12 of Act No. 248 of the Regular Session of the Legislature of Alabama of 1945 (General Acts of Alabama, Regular Session 1945, p. 376, et seq.), to provide for a Pay Plan whereby Merit System Employees may receive Salary increases.

Local Legislation No. 2.

By Messrs. White, McNair, Hopping, Hilliard, Harrison, Gafford, Falkenburg, Tucker, Waggoner and Howard:

H. 500. Relating to counties having populations of not less than 600,000 inhabitants; to authorize and provide for funding for countywide operations and services (County Department of Health and Transit Authorities); to repeal all conflicting statutes.

Local Legislation No. 2.

By Messrs. White, McNair, Hopping, Hilliard, Harrison, Gafford, Falkenburg, Tucker, Moore (O), Waggoner, Howard and Andrews:

H. 501. Relating to counties having populations of not less than 600,000 inhabitants; to authorize and provide for additional funds, if required, from the general funds of the county and each municipality located therein for the maintenance and operation of the County Department of Health, including, but not limited to, the employment of personnel, the acquisition of land, the erection, construction, extension, renewal, and repair of buildings or improvements thereon, which are related to or required by the prescribed duties of the County Health Officer; to repeal all conflicting statutes.

Local Legislation No. 2.

By Messrs. White, McNair, Hopping, Hilliard, Harrison, Porter, Gafford, Falkenburg, Tucker, Waggoner and Howard:

H. 502. Relating to counties having populations of not less than 600,000 inhabitants according to the most recent federal census; to provide for funding for transit authorities in such counties by the county and certain municipalities in such counties; to repeal all conflicting statutes.

Local Legislation No. 2.

By Mr. Folmar:

H. 503. To name the new National Guard Armory in Troy, Alabama the "Ralph Wyatt Adams National Guard Armory."

State Administration.

By Mr. Folmar:

H. 504. To amend Act No. 253, Special Session 1966 which exempts from civil liability certain persons who render emergency care at the scene of an accident, casualty or disaster, to read as follows:

Health.



By Mr. Waggoner:

H. 505. To authorize the sheriff of all counties in the State of Alabama having a population of 600,000 or more to employ an executive assistant; to prescribe the duties of such executive assistant and to set the salary of such executive assistant.

Local Legislation No. 2.

By Messrs. Biddle, Waggoner, Gafford, White, Andrews, Trammell, Moore (O) and Falkenburg:

H. 506. To fix the compensation or salary of the sheriff of all counties having a population of six hundred thousand (600,000) or more according to the last or subsequent federal census. To provide for the manner of payment thereof and to repeal all laws in conflict herewith.

Local Legislation No. 2.

By Messrs. Goodwin and Coburn (With Notice and Proof):

H. 507. To amend Section 4 of Act No. 246, H. 871, 1976 Regular Session (Act of 1976, p. 281), relating to purging the lists of registered voters in Colbert County and prescribing the procedure for the re-identification of registered voters; so as to increase the compensation paid members of the board of registrars and to make this act retro-active.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 507, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Hill, Greer and Coburn:

H. 508. To authorize any city in the State of Alabama having a population of 34,000 or more according to the last or any subsequent federal census to plan, establish, develop, acquire, construct, enlarge, improve, maintain, equip, operate, regulate and protect any building, structure, land, right of way, equipment or instrumentality used or useful in connection with construction, equipping, development, maintenance or operation of any area or building for off-street parking of motor vehicles (defined as parking facilities), to finance the cost of parking facilities in whole or in part by the issuance of bonds, warrants, notes or other evidences of indebtedness and pledge to the payment thereof its full faith and credit and any tax, license or revenues which the city may then be authorized to pledge to the payment of bonded or other indebtedness; to lease or let parking facilities or any one or more of them to such tenant or tenants for such periods and for such compensation or rental and on such conditions as the governing body of the city may prescribe; to fix, establish, collect and alter parking fees, tolls, rents and other charges for the use of any parking facility; to make and enforce rules and regulations governing the use of any parking facility owned or operated by the city and to execute such contracts and other instruments and to take such other action as the governing body of the city may deem necessary or convenient in connection with parking facilities.

Local Legislation No. 1.

By Mr. Hill:

H. 509. To amend Section 5 of Act No. 21, H. 28, 1969 Special Session, (Acts of 1969, p. 46), as amended, relating to raising revenue and

levying a privilege or license tax against certain persons and utilities on account of the furnishing of certain utility services and prescribing rates and exclusions therefrom, providing for the issuance of a utility license and providing for collecting such tax and enforcing payment thereof, and providing for the disposition of the proceeds from such tax; so as to exempt county governing bodies from utility taxes on certain uses of water and electricity.

Ways and Means.

By Mr. Hill:

H. 510. To provide for the alternative adjudication and sentencing of certain first-offender felons as youthful offenders; to prescribe the effect of such adjudication and to expressly repeal Act No. 335, H. 281 of the Third Special Session of 1971 known as the "Alabama Youthful Offender Act" and all other laws in conflict herewith.

Judiciary.

By Mr. Hill:

H. 511. To prohibit the throwing, dumping, or depositing of litter upon public highways, streets, roads, parks, or any other unauthorized public or private property; to define terms; to provide for the prosecution and penalizing of violators.

Judiciary.

By Mr. Hines:

H. 512. Relating to the state employees' retirement system of Alabama; providing that any cost of living allowance, or like benefit, now or hereafter granted to retired state employees receiving a retirement allowance from the state employees' retirement system of Alabama automatically shall be applicable to eligible dependent surviving spouses of any such retired state employee who is deceased; providing for an immediate cost of living increase for such surviving spouses in an amount equal to twenty percent (20%) because they were omitted from the last series of such increases given to participating retired state employees; and providing that the amounts provided for herein shall come from the funds of the state employees' retirement system.

Ways and Means.

By Mr. Hines (With Notice and Proof):

H. 513. Relating to Escambia County, Alabama allowing the municipal governing bodies of the City of Brewton located in such County to determine the closing hours for places selling alcoholic beverages within its city limits and police jurisdiction.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 513, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Hines, Williams, Carter and Riddick:

H. 514. To amend the title and Section 1 of Act No. 638, H. 234 of the 1976 Regular Session (Acts 1976, Vol. II, p. 886), so as to transfer all funds collected thereunder into a fund to be designated as "Probationers' Upkeep Fund" and to have all such funds subsequently collected deposited in the state treasury to the credit of that fund for

**REGULAR SESSION**  
**3rd Day**

149

the use by the Board of Pardons and Parole for the purposes stated in said section; and to make an immediate appropriation from the funds collected pursuant to the act.

Ways and Means.

By Mr. Naramore:

H. 515. Providing that the definition of the word physician as used in the Workmen's Compensation Law shall include chiropractors, and further providing that employees under the Workmen's Compensation Law be entitled to choose a chiropractor as one of the alternative physicians provided for in Title 26 § 293, Code of Alabama, 1940; and for these purposes amending the Code of Alabama, 1940, Title 26 § 262 and § 293.

Ways and Means.

By Messrs. Naramore and Crowe:

H. 516. To amend Section 9 of Act No. 78, S. 72, 1961 Special Session (Acts of 1961, p. 1960); now appearing in Code of Alabama 1940, Recompiled 1958, Title 46, Section 64 (46), which regulates the licensing of cosmetologists, so as to shorten the time a managing cosmetologist must serve before becoming eligible to apply for a license.

Ways and Means.

By Messrs. Naramore and Crowe:

H. 517. Providing for a minimum retirement benefit of \$125.00 per month to be paid to any teacher with 10 or more years creditable service who retires under the provisions of the Teachers' Retirement System of Alabama.

Ways and Means.

By Messrs. Lockett, Baker, Higginbotham, Drake, Crowe, Naramore and Pegues:

H. 518. Relating to taxation; to amend Title 51, Section 2, Code of Alabama 1940, as heretofore amended, so as to exempt from ad valorem taxation all property owned by Loyal Order of Moose or lodge thereof, provided such property is used and occupied exclusively by such organization.

Ways and Means.

By Mr. Lockett:

H. 519. To amend the Code of Alabama 1940, Title 48, Section 182, requiring locomotives operated in road service to be equipped with a revolving power headlight operated at all times.

Commerce and Transportation.

By Mr. Lockett:

H. 520. To amend the Code of Alabama 1940, Title 48, Section 431, relating to the duties of the superintendent of a railroad so as to require that all locomotives are operated on the right-hand side of the railroad line when leaving the initial home terminal and to provide penalties for violations.

Commerce and Transportation.

By Mr. Kelley:

H. 521. To provide safeguards for federal tax return information used in the administration of Alabama revenue laws and to provide penalties for the misuse of such information.

State Administration.

By Mr. Kelley:

H. 522. To amend Section 413, Title 51, Code of Alabama 1940, which relates to exceptions to the general rule concerning period of limitation upon assessment and collection.

State Administration.

By Mr. Owens:

H. 523. To amend Section 52(1) (a), Title 36, Code of Alabama 1940, (Section 1(a), Act No. 220, Extra Session 1967, p. 277, approved May 10, 1967) to provide that persons arrested for violations of the motor fuel laws, Sections 665(39) through 665(54), Title 51, Code of Alabama 1940, as amended may deposit their chauffeur's or driver's license with the arresting officer or the court in lieu of any other security.

State Administration.

By Mr. Owens:

H. 524. To amend Section 1, Act No. 393, Regular Session 1967 to provide that the Commissioner of Revenue may designate in writing agents or employees of the Department of Revenue, State of Alabama as peace officers with full police power to enforce the Alabama uniform certificate of title and auto theft laws.

State Administration.

By Mr. Owens:

H. 525. To further amend Section 98 of Title 11, Code of Alabama of 1940, as amended, which provides for jurors' compensation, so as to increase their pay from ten dollars (\$10.00) to twenty dollars (\$20.00) per day.

Ways and Means.

By Mr. Owens (With Notice and Proof):

H. 526. Relating to Bibb County; providing for the establishment of a consolidated and unified system of assessing and collecting taxes under one elective county official designated as "county tax assessor and collector"; prescribing the powers, duties, term of office and compensation of said official; providing for the manner of election to the new office; abolishing the offices of tax assessor and tax collector in Bibb County; repealing conflicting laws; and prescribing the effective date of this act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 526, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Owens (With Notice and Proof):

H. 527. To amend Section 1 of Act No. 67, H. 11, Second Special Session 1965 (Acts Second and Third Special Sessions 1965, p. 92), fixing the compensation of election officers in Bibb County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 527, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Owens (With Notice and Proof):

H. 528. To amend Section 1 of Act No. 87, H. 203, Second Special Session 1965 (Acts Second and Third Special Sessions 1965, p. 117), regulating the pay of the members of the county board of equalization of Bibb County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 528, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Owens (With Notice and Proof):

H. 529. To further amend Section 1 of Act No. 258, H. 607, Regular Session 1953 (Acts 1953, p. 325) as amended, which fixes the compensation of the jury commission of Bibb County so as to provide further for the compensation of such commission.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 529, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Owens (With Notice and Proof):

H. 530. Relating to Bibb County; to provide for the fixing of a fee for the issuance of a pistol permit by the sheriff; and providing for the disposition and use of such fees.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 530, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Owens (With Notice and Proof):

H. 531. Relating to Bibb County; to levy an excise and privilege tax on the severance of coal and stone in said county; to provide for the collection, payment, and administration of such tax; to provide for the use of the proceeds of the tax for the maintenance, repair, and construction of improved roads in Bibb County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 531, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Owens (With Notice and Proof):

H. 532. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Centreville, in Bibb County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 532, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Campbell:

H. 533. Relating to the First Judicial Circuit; to further regulate the compensation of the court reporters for said circuit.

Local Legislation No. 1.

By Mr. Campbell:

H. 534. Proposing an amendment to the Constitution of Alabama relating to placing the probate judge, the tax assessor, and the tax collector of Sumter County on a salary basis of compensation.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Rich, McNair and Naramore:

H. 535. Amend Section 9, Act 221, 1965 Special Session (Vol. I, pp. 228- ) to provide that a majority of the members of a local textbook committee shall be classroom teachers.

Education.

By Messrs. Sonnier and Kennedy:

H. 536. Relating to counties having a population of not less than 300,000 nor more than 500,000 inhabitants; authorizing the serving, buying, sale and drinking of alcoholic and malt or brewed beverage until 2 a.m. on Sunday.

Local Legislation No. 3.

By Messrs. Falkenburg, Morris and Killian:

H. 537. To provide that Alabama enter into the Interstate Agreement on Detainers Act, with other member-states, which promotes co-operation between the several states to secure a speedy trial of persons already incarcerated in other jurisdictions by the expeditious and orderly disposition of all detainers based on untried indictments, information or complaints; and to further provide for the uniform mandatory disposition of detainers so as to prescribe the manner and procedures for release of detainers available to incarcerated persons against whom there is pending untried indictments, information or complaints.

Judiciary.

By Messrs. Tucker, Hilliard, Holmes (A) and Cooper:

H. 538. To prescribe that in addition to all other requirements for a diploma or degree to be awarded by any trade school, junior college, four-year college, university or other public institution of higher learning, the matriculant must give proof that he is a qualified elector in the State of Alabama, or, if he is not, that he has been disqualified as an elector and give the reason therefor.

Education.

By Messrs. Sparks and Crowe (With Notice and Proof):

H. 539. Relating to Winston County; providing for a county supple-

**REGULAR SESSION**  
**3rd Day**

153

ment for the district judge, and making the supplement retroactive to January 16, 1977.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 539, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Crowe and Sparks (With Notice and Proof):

H. 540. Relating to Winston County; providing that the district judge in such county may employ a secretary and establishing her salary; providing that such salary shall be paid from the county funds and shall be retroactive to January 16, 1977.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 540, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Crowe:

H. 541. To validate the incorporation of public corporations attempted to be organized pursuant to Act No. 107 adopted at the 1965 First Special Session of the Legislature of Alabama, as heretofore amended, and amendments to the certificate of incorporation of such corporations.

State Administration.

By Messrs. Crowe and Owens:

H. 542. To amend Act No. 951, Acts of Alabama, Regular Session, 1975, to provide that a non-resident contractor shall satisfy the Highway Department that it has paid all taxes due and payable to the State of Alabama or any political subdivision thereof prior to receiving final payment for contract work.

State Administration.

By Messrs. Crowe and Owens:

H. 543. To amend Act No. 1007, Acts of Alabama, Regular Session, 1973, page 1542, to provide a definition for heavy duty equipment and to provide that a tax lien shall attach to all heavy duty equipment brought into or situated in this state at any time of the year and to provide for the payment of an ad valorem tax to be computed on a quarterly basis on said equipment.

State Administration.

By Mr. Boles:

H. 544. Relating to counties having a population of not less than 500,000 inhabitants according to the most recent federal decennial census; to prohibit the use of injurious traps for the trapping of animals; prescribing a penalty for violation of this act.

Local Legislation No. 2.

By Messrs. Lutz and Boles:

H. 545. To provide for privileged communications with clergymen.

Judiciary.

By Mr. Lutz:

H. 546. To require that policies, contracts or certificates of group, individual, or blanket hospital or medical expense insurance issued, renewed, amended, or issued for delivery in this State which includes mental health services in the terms of the policies, contracts, or certificates shall include reimbursement for services rendered by a duly licensed psychologist of this State notwithstanding any provisions of the policies, contracts or certificates to the contrary.

Insurance.

By Mr. Merrill:

H. 547. To make appropriations for the support and maintenance of Talladega College.

Ways and Means.

By Messrs. Johnstone, Callahan, Kennedy, Glass, Buskey, Sandusky, McMillan, Sonnier and McCulley (With Notice and Proof):

H. 548. Relating to Mobile County, to amend Section 1 of Act No. 87, H. 270 Regular Session 1955, an Act relating to Mobile County and regulating the office of the Judge of Probate of said County (Acts 1955 Vol. 1, page 335) as last amended by an Act approved September 12, 1969, (Acts 1969, Vol. III, page 1988).

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 548, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Kennedy (With Notice and Proof):

H. 549. To amend Section 2 of Act No. 929, H. 1822, Regular Session 1975 (Acts 1975, p. 3) relating to amendment of the retirement system of the City of Prichard by changing the effective date of said act.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 549, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Kennedy:

H. 550. To prescribe means, in addition to the giving of bail bonds, by which a person charged with an offense in counties having populations of not less than 300,000 nor more than 500,000, according to the most recent Federal Decennial census, regardless of his financial or social status, may give security for appearance in order to secure his release instead of being needlessly detained pending his appearance to answer charges, to testify, or pending appeal, when detention serves neither the ends of justice nor the public interest. And to provide that it shall be the duties of such judicial officers as hereinafter defined to approve said release and to impose such hereinafter described conditions of release as shall be deemed necessary by said judicial officers. In the event said judicial officer shall deem it necessary to impose the condition of a secured appearance bond, said judicial officer shall have the authority to set such bonds and to approve or disapprove any such bonds imposed as a condition of release.

Local Legislation No. 3.



By Mr. Kennedy:

H. 551. An act to supplement the salaries of the District Judges of the Thirteenth Judicial Circuit.

Local Legislation No. 3.

By Mr. Kennedy:

H. 552. To further amend the Code of Alabama 1940, Title 7, Section 629, relating to the exemption of personal property from levy and sale under execution or other process for the collection of debts, so as to raise the amount of such exemption from \$1,000 to \$3,000.

Judiciary.

By Mr. Kennedy:

H. 553. To provide that it shall be unlawful to burn or attempt to burn a cross on any public right-of-way or on private property without the permission of the owner and to prescribe the penalty for conviction of such unlawful act.

Judiciary.

By Mr. Kennedy:

H. 554. To further amend the Code of Alabama 1940, Title 7, Section 625, relating to the Homestead exemption from levy and sale under execution or other process for the collection of debts, so as to raise the amount of such exemption from \$2,000 to \$6,000.

Judiciary.

By Messrs. Drake and Sparks:

H. 555. To prohibit the sale, the offering for sale or the use of steel leg-hold traps designed for capturing wild animals in any county having a population of not less than 50,000 nor more than 52,500 inhabitants according to the 1970 or any subsequent federal decennial census; and to prescribe penalties for violations.

Local Legislation No. 1.

By Messrs. Drake and Sparks:

H. 556. To prohibit the killing of any fox except in the course of hunting on horseback or if the animal is caught committing or attempting to commit depredation to livestock or poultry or is a menace to the health and safety of a human being, in any county having a population of not less than 50,000 nor more than 52,500 inhabitants according to the 1970 or any subsequent federal decennial census.

Local Legislation No. 1.

By Messrs. Buskey and Cooper:

H. 557. To require city and county boards of education to adopt equitable policies for employing professional educators in a rotational system in optional summer positions.

Education.

By Messrs. Johnstone and Biddle:

H. 558. To create as part of the Alabama Historical Commission a division to be entitled the State Live-in-a-Landmark Division; defining the purposes of same; describing duties of same and authorizing the employment of a Division Chief and other personnel.

Ways and Means.

By Messrs. Crowe, Waggoner, Williams, Sonnier, McMillan, Coburn and Sasser:

H. 559. To amend further Section 2 of Act No. 312, H. 760, 1959 Regular Session (Acts 1959, p. 889), as amended, and as appearing in Title 29, Section 70(3)(6), Code of Alabama 1940, Recompiled 1958, relating to certain taxes levied on liquor sales, so as to provide that a certain portion of the revenues generated by said taxes shall be payable to the state department of public health and shall be used exclusively for the support of the state medicaid program.

Ways and Means.

By Messrs. Holley, Whatley, Crawford, Williams, Plaster, Sasser, Carothers, Reed, Smith (J), Jackson (F), Warren, Wyatt, Cates and Folmar:

H. 560. To provide for the creation of a corporation within the department of agriculture and industries for the purpose of establishing a system of insurance against A-Flavus in peanuts; to prescribe the powers and duties of such corporation; and to provide an appropriation for the initiation of such insurance system.

Ways and Means.

By Mr. Albright:

H. 561. To amend the title and Sections 1, 2, 3, 4, 5, 10 and 11 of Act No. 372, S. 362, Regular Session of 1976, requiring municipalities to provide civil service systems for their law enforcement officers so as to include firefighters under the provisions of said act.

Local Government.

By Messrs. Mitchem, Whatley, Turnham, Cross, Sandusky, Dial, Edwards, Drake, Smith (M), Warren, McNees, Folmar, Robertson, Cates, Moore (O), Naramore and Callahan:

H. 562. To appropriate the supplemental sum of \$400,000 for the current fiscal year from the Alabama Special Education Trust Fund to Auburn University for the purpose of renovating and remodeling the Livestock Judging Arena at Auburn University.

Ways and Means.

By Messrs. Mitchem, Whatley, Cross, Kelley, Sandusky, Dial, Edwards, Drake, Smith (M), Smith (C), McNees and Moore (O):

H. 563. To amend Title 2, Section 590 of the Code of Alabama of 1940, Recompiled 1958, relating to the custody of and certification of State standards by the National Bureau of Standards under which weighing and measuring devices are tested and calibrated for accuracy and records to be kept thereof; to amend said Section 590 of Title 2 by providing a procedure under which standards for weighing and measuring devices shall be tested and calibrated for accuracy as prescribed by the National Bureau of Standards.

Agriculture.

By Messrs. Mitchem, Whatley, Cross, Kelley, Sandusky, Dial, Edwards, Drake, Smith (M), Smith (C), McNees and Moore (O):

H. 564. To authorize the Pesticide Residue Laboratory heretofore established by the Department of Agriculture and Industries at Auburn University pursuant to Act No. 132, H. 105, Legislature of 1965, 2nd Spec. Sess. (Acts of 1965, 2nd and 3rd Spec. Sess., p. 185), as amended by Act No. 399, H. 126, Legislature of 1966, Spec. Sess. (Acts of 1966,

Spec. Sess., p. 538); to conduct analytical work for harmful drug residues; and to make an appropriation from the State Treasury for the fiscal year ending September 30, 1977 for the performance of such additional duties.

Agriculture.

By Messrs. Mitchem, Whatley, Holley, Carothers, Smith (M), Smith (C), McNees and Moore (O):

H. 565. Relating to persons engaged in the business of weighing for hire known as public weighmasters; To amend Title 2, Section 630 of the Code of Alabama of 1940, to increase the annual permit or appointment fee required to be paid to the Commissioner of Agriculture and Industries by persons engaged in the business of weighing for hire designated as weighmasters by increasing said annual fee to ten dollars.

Agriculture.

By Messrs. Whatley, Mitchem, Holley, Carothers, Smith (M), Smith (C), McNees and Moore (O):

H. 566. To amend Section 1 of Act No. 238, H. 288, approved July 27, 1953 (Acts of Alabama of 1953, Vol. I, p. 303, now appearing as Title 2, Section 23(1), Code of Alabama, Recompiled 1958), an Act providing for the designation of certain employees of the Department of Agriculture and Industries as "Cattle Theft Investigators" with authority of peace officers, etc.; to amend said Act No. 238 of 1953 to designate such employees of the Department of Agriculture and Industries as "Livestock Theft Investigators" with the power and authority of peace officers to conduct investigations and make arrests for any unlawful offense which may be exercised anywhere within the State of Alabama.

Agriculture.

By Messrs. Mitchem, Whatley, Holley, Crawford, Carothers, Williams, Smith (M), Smith (C), McNees and Moore (O):

H. 567. Relating to public warehouses; to amend Section 570 of Title 2 of the Code of Alabama 1940 which relates to the annual filing fee to be paid to the Department of Agriculture and Industries by persons who operate a public warehouse; to require an annual filing fee of twenty-five dollars to be paid by persons operating a public warehouse; to prescribe the effective date of this Act.

Agriculture.

By Messrs. Mitchem, Whatley, Holley, Crawford, Carothers, Williams, Smith (M), Smith (C), McNees and Moore (O):

H. 568. Relating to the membership of the State Board of Agriculture and Industries; to amend Sections 25 and 27 of Title 2 of the Code of Alabama of 1940, as amended, to provide that the Dean and Director of the School of Agriculture and Agricultural Experiment Station of Auburn University shall be a member of the State Board of Agriculture and Industries; and, that any ex officio member of said Board may designate or appoint any member of his staff to attend meetings in his place and stead when such ex officio member cannot attend.

Agriculture.

By Messrs. Mitchem, Whatley, Holley, Crawford, Carothers, Williams, Smith (C), McNees, Moore (O) and Smith (M):

H. 569. Relating to cotton gins and the regulations thereof by the Department of Agriculture and Industries; to amend Section 172 of

Title 2 of the Code of Alabama of 1940, as heretofore amended by Act No. 401, H. 190, approved August 16, 1965, (Acts of Alabama of 1965, Vol. I, p. 577) relating to the annual permit fee required for the operation of a cotton gin; prescribing the amount of such permit fee, and the date on which this Act shall become effective.

Agriculture.

By Messrs. Mitchem, Cross, Kelley, Sandusky, Dial, Edwards, Drake, Smith (C), Warren, McNees, Moore (O) and Smith (M):

H. 570. To prescribe a procedure for complaints, investigations, findings and recommendations where purchasers of agricultural, vegetable, flower, tree, shrub and herb seeds suffer damages as a result of any such seed not being in compliance with legal requirements which govern the sale thereof or where the seed fail to perform as represented; to create and establish an investigation and arbitration committee for this purpose and to prescribe its powers, duties and authority.

Agriculture.

By Mr. Warren:

H. 571. To amend Section 57 of Title 8, Code of Alabama 1940, as amended, and pertaining to the appointment of deputy game and fish wardens, the requirements for appointment as a deputy warden, establishing the duties of deputy wardens, authorizing the Commissioner to revoke appointments, and clarifying the status of deputy game and fish wardens.

Conservation.

By Mr. Waggoner:

H. 572. To make an appropriation from the State General Fund to the Alabama Travel Council for the remainder of the fiscal year ending September 30, 1977.

Ways and Means.

By Messrs. Pegues and White:

H. 573. To provide that an inter vivos transfer of assets such as money, land, or buildings is void if it leaves the transferor without means to provide for his subsistence and he did not reserve to himself for life enough from that transfer to provide for his subsistence.

Health.

By Mr. Robertson:

H. 574. To amend Act No. 1248, H. 1567, of the 1969 Regular Session, which authorizes creation of the Tuscaloosa County Park and Recreation Authority, so as to authorize the withdrawal therefrom by any of the cooperating governmental units which created the county authority, and to prescribe the effect of such withdrawal.

Local Legislation No. 1.

By Messrs. Carter, Martin, Campbell, Cross, Roberts, Kelley, Smith (B), Folmar, Crowe, Warren, Plaster, Smith (C), Mitchem, Sasser, Morris, Ford, Gafford, McMillan, Kinsey, Venable, Carothers, Williams, Cates, Jackson (F), Holmes (D), Pegues, Starkey, Killian, Sonnier, Naramore, Albright, Owens, Whatley, Baker, Smith (M), McCulley, Kennedy, White and Moore (W):

H. 575. To amend Section 16-103 of Act No. 1205, S. 400, 1975 Regular Session (Acts of 1975, p. 2384) relating to court finances so as to further regulate the reimbursement to the counties by the state of

**REGULAR SESSION**  
**3rd Day**

159

costs of certain clerical office supplies from January 16, 1977 through September 30, 1977.

Judiciary.

By Mr. Manley:

H. 576. To provide for the distribution of the 1975 Code of Alabama, editions, or portions thereof; to provide for the conservation of the sets distributed; to authorize the sale thereof by the publisher; and to provide an appropriation for the distribution of said code.

Judiciary.

By Mr. Biddle:

H. 577. To amend Section 11 of Act No. 551, S. 887, Regular Session 1975 (Acts of Alabama 1975, p. 1226), the Alabama Surface Mining Reclamation Act of 1975, an act establishing a system of regulation and control of coal surface mining and reclamation, so as to delete the current subsections c, d, and e of Section 11 and thereby remove references to distances within which the Alabama Surface Mining Reclamation Commission may regulate the detonation of explosives, and to add a new subsection c to Section 11 to give the Commission the power to adopt rules for detonating explosives.

State Administration.

By Mr. Pegues (With Notice and Proof):

H. 578. Relating to Perry County; declaring guns, rifles, ammunition, other hunting equipment and motor vehicles, including motor boats or power boats, used in illegal nighttime deer hunting in the county to be contraband; and providing for the condemnation and sale thereof for the benefit of the state game and fish fund.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 578, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Kinsey:

H. 579. To provide lawyers from certain other states admission to the Alabama Bar Association without examination provided certain criteria are met; to set out such criteria.

Judiciary.

By Messrs. Venable and Plaster (With Notice and Proof):

H. 580. Relating to Elmore County; to provide for a chief deputy sheriff, an assistant chief deputy sheriff and other deputies sheriff of Elmore County, Alabama; and to provide for their compensation, and to repeal conflicting laws.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 580, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Cates:

H. 581. Relating to cemeteries; to provide for regulation and registration of same; to require the establishment of irrevokable trust funds

by perpetual or endowment care cemeteries; to provide for examination and investigation of such cemeteries and for enforcement of the provisions hereof; and to provide penalties for violation.

Insurance.

By Messrs. Sonnier, Jackson (F), Sandusky, Carter, Whatley, McCulley and Kennedy:

H. 582. To provide that the State Oil and Gas Board shall be the sole state agency with jurisdiction and authority over "off-shore" oil exploration in the coastal waters of this state and to provide that the state oil and gas supervisor shall make all rules and regulations to implement this act.

State Administration.

By Messrs. Armstrong and Waggoner:

H. 583. To appropriate \$150,000 from the general fund in the state treasury to Legion Field in Birmingham for the purpose of enclosing and building the double deck of the south end of such stadium.

Ways and Means.

By Messrs. Armstrong, Hilliard and Lee:

H. 584. Relating to divorce and alimony; to provide that the judge trying a divorce case shall have the right to award alimony to either spouse as the circumstances of the case may justify and to repeal all conflicting statutes.

Judiciary.

By Mr. Reed:

H. 585. To make appropriation for the support and maintenance of the Tuskegee Institute located in Macon County for the fiscal year ending September 30, 1978.

Ways and Means.

By Mr. Glass:

H. 586. Relating to counties having populations of not less than 300,000 nor more than 600,000, according to the 1970 or most recent federal decennial census; regulating further services, rates and charges of certain telephone companies.

Local Legislation No. 3.

By Mr. Dial:

H. 587. To authorize the collection by certain state officers of blood or urine samples from the bodies of persons who die under certain circumstances; and to relieve the officer of any civil liability which might be incurred by such collection.

Health.

By Messrs. McNair, Boles, Johnson, Sasser, Smith (C), Rich, Trammell, Harrison, Leonard, Hall, Porter, Quarles, Folmar, Hilliard, Coburn, Ford, Smith (B) and Dial:

H. 588. To amend Section 1 of Act No. 35, H. 77, 1969 Special Session (Acts of 1969, p. 86) now appearing in Section 215 (a4), Title 52, Code of Alabama 1940, relating to the determination of the number of teacher units for the purpose of apportioning the minimum school program fund so as to allow one teacher unit for each twenty-six pupils in average daily attendance.

Ways and Means.

By Mr. Callahan:

H. 589. To amend Act No. 2244, S. 797, Regular Session 1971 (Acts 1971, p. 3600), relating to exemptions from registration of certain securities with the Alabama Securities Commission, so as to provide further for the filing fees for applying for such exemptions.

Ways and Means.

By Mr. Holmes (A):

H. 590. Relating to counties having populations of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 or any subsequent federal decennial census, to redive such counties into districts for the purpose of electing the county governing bodies.

Local Legislation No. 4.

### RESOLUTIONS

The following resolutions were introduced:

By Mrs. Quarles:

H. J. R. 38. CREATING A PEOPLE'S CAUCUS TO WORK FOR THE BETTERMENT OF ALABAMA CITIZENS THROUGH THE LEGISLATIVE PROCESS.

WHEREAS, certain bills have been introduced in past legislative sessions which were not in the best interest of all citizens of the State of Alabama; and

WHEREAS, certain bills have been introduced in past legislative sessions which have taken valuable time from more important legislation at the expense of the taxpayer; and

WHEREAS, the people of Alabama will better be served by a supervisory caucus that will screen proposed legislation; and

WHEREAS, this caucus will be of no cost to the State of Alabama and there will be no compensation to any members of said caucus; and

WHEREAS, anyone voting for this resolution will become a member of said caucus; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is created a people's caucus to work for the betterment of Alabama citizens through the legislative process; that anyone who votes for this resolution shall be a member of such caucus; that the members of such caucus shall have an organizational meeting as soon as possible upon passage of this resolution.

### MOTION TO SUSPEND RULES AND ADOPT

Mrs. Quarles offered the motion to suspend the rules and adopt the resolution, H. J. R. 38.

### DIVISION OF THE QUESTION

Mr. Carothers called for the Division of the Question, and the call was sustained.

## MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Mrs. Quarles to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 38, and the motion was lost.

Yeas 17; Nays 27.

*Yeas:*

Messrs.: Albright, Barron, Campbell, Gafford, Harrison, Hill, Hilliard, Holley, Leonard, Lewis, McNair, Morris, Porter, Quarles, Reed, Robertson and Wyatt.

—17

*Nays:*

Mr. Speaker, Baker, Biddle, Brindley, Callahan, Carothers, Crowe, Dial, Glass, Holmes (D), Hopping, Kinsey, Lockett, Lutz, Manley, Martin, Merrill, Mitchem, Pegues, Rich, Sandusky, Sasser, Smith (M), Sonnier, Taylor, Tucker and Whatley.

—27

The resolution, H. J. R. 38, was read and referred to the Standing Committee on Rules.

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

*Also:*

By Mr. Crowe:

H. R. 39. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when the House adjourns today it will adjourn to meet again on Thursday, February 10, 1977, at 10:00 A.M.

On motion of Mr. Crowe, the rules were suspended and the resolution, H. R. 39, was adopted.

*Also:*

By Mr. Biddle:

H. J. R. 40. "TO RESTRICT CERTAIN ACTIONS OF THE DEPARTMENT OF YOUTH SERVICES"

WHEREAS, widespread and massive changes in personnel functions and locations have been mandated by the Director of the Department of Youth Services and many of these changes have involved the unwilling physical transfer of persons; and

WHEREAS, several of the changes may be deemed as punitive in nature; and

WHEREAS, a Bill has been introduced to abolish the Department of Youth Services; and

WHEREAS, the Department of Youth Services is subject to Legislative action on the recommendations of the Sunset Committee; and

WHEREAS, the Department of Youth Services is subject to the effects of potential governmental reorganization presented by the Governor; and



WHEREAS, the Department of Youth Services' Budget is tentative and subject to possible controversy directly affecting DYS programs and organizational structure; and

WHEREAS, the Department of Youth Services is currently awaiting a performance audit; and

WHEREAS, such organizational changes may diminish the quality of services rendered to the delinquent youth of the State of Alabama at a time when the future governmental structure of this Agency is yet to be determined by the Legislative Body; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That no personnel action in the form of reorganization, transfer, or changes in the functions of existing DYS personnel and personnel activities be allowed to transpire or any decisions be upheld which would reflect a change since the date the Sunset Committee took affirmative action to abolish this Agency, until the full Legislative Body has acted upon the Sunset Committee's recommendations, the proposed governmental reorganization, the DYS Budget, the results of the performance audit, and the then appropriate governmental body has determined the future organizational structure of this Agency.

The resolution, H. J. R. 40, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Higginbotham:

H. J. R. 41. PROPOSING A NEW JOINT RULE OF THE TWO HOUSES OF THE LEGISLATURE.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the following be added as a new joint rule:

Rule 16. Upon introduction and assignment to a standing committee in the House of Representatives or in the Senate of a bill which provides for or regulates the retirement of a public official or employee of this state or of any political subdivision thereof, or which provides for or regulates supernumerary offices of the state or of any political subdivision thereof, or which gives or provides for any other fringe benefit to an official or employee of the state or of any political subdivision thereof, the clerk or the secretary, as the case may be, shall immediately send one copy of such bill to the Joint Advisory Committee on Fringe Benefits to Public Employees, hereby created, and one copy thereof to the Retirement Systems of Alabama. The standing committee to which the bill has been assigned shall take no action on the bill until it has received the Joint Committee's Official comments on the bill and its recommendations relative to the appropriate action to be taken by the standing committee relative to the bill. The recommendations of the Joint Committee shall, however, be advisory only; and the standing committee shall take whatever action it deems wise relative to the bill, even though it does not comport with the Joint Committee's recommendations.

As soon as reasonably possible after referral to it of a bill, but after ample time has been allowed for the secretary of the Retirement Systems or other fact gathering agency providing information needed therefor, the Joint Committee shall prepare its official comments and recommendations relative to the bill; and such comments shall be at-

tached to the bill. A notation stating that the comments are so attached shall appear in the Journal immediately after the notation of the second reading of the bill.

The official comments shall include, but shall not be limited to, the following:

The estimated cost per fiscal year; the estimated total cost over the funding period; the certificate of the Retirement Systems of Alabama of the estimated annual and total funding costs when any bill affects the administration, financing, and benefits of or affects in any other manner either the State Employees' Retirement System or the Teachers' Retirement System; an estimated cost, both annual and total over the funding period, of the extension of any benefit granted by any bill appropriate for consideration by the Joint Committee, where any such bill is not applicable to either of the retirement systems of the state or any funds administered thereunder.

The Joint Committee shall be composed of: the chairman of the House Ways and Means Committee; the chairman of the Senate Finance and Taxation Committee; a member of the House Ways and Means Committee appointed by the chairman of the Ways and Means Committee; a member of the Senate Finance and Taxation Committee appointed by the chairman of the Finance and Taxation Committee; a member of the House of Representatives appointed by the Speaker of the House; and a member of the Senate appointed by the Lieutenant Governor.

When the Joint Committee is meeting to consider a bill introduced into the House of Representatives the chairman of the House Ways and Means Committee shall serve as chairman; and when the matter for the committee's consideration is a Senate bill the chairman of the Finance and Taxation Committee of the Senate shall serve as chairman.

Expenses for clerical help and other reasonable expenses of the committee shall be paid from funds appropriated to the legislature.

The resolution, H. J. R. 41, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Sparks:

H. J. R. 42. COMMENDING AND PRAISING THE ADDISON HIGH SCHOOL FOOTBALL TEAM FOR WINNING THE 1976 STATE 1A CHAMPIONSHIP.

WHEREAS, the Addison High School "Bulldogs" won the 1976 State 1A Championship; and

WHEREAS, this team completed a perfect season, accumulating an impressive total of 364 points this season, yeilding only 74 to their opponents; and

WHEREAS, former Coach A. G. Hicks, who is now Principal of Addison High School, holds a career record during 20 years of coaching of 147 "Wins," only 51 "losses" and 8 "ties," and Coach Allen Stephenson during two years as Head Coach records 24 "Wins" to only 3 "losses"; and

WHEREAS, the Bulldogs worked diligently, long and hard to achieve this outstanding honor, displaying the admirable attributes of good sportsmanship and fair play; now therefore

**REGULAR SESSION**  
**3rd Day**

165

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do commend, praise and heartily congratulate the Addison High School Bulldogs for their spectacular achievement.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal, the head coach and to each member of the team.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 42, on the Clerk's desk for one legislative day.

Also:

By Mr. Dial:

H. J. R. 43. RECOGNIZING AND COMMENDING THE HONORABLE JOHN BUNYAN TOLAND ON HIS COMPLETION OF SIX YEARS OF OUTSTANDING AND DEDICATED PUBLIC SERVICE.

WHEREAS, The Honorable John Bunyan Toland, Judge of Probate, Ashland, Clay County, Alabama, has served as a dedicated leader of the Clay County Rural Development Committee for six years; and

WHEREAS, Judge Toland has been concerned with the total range of economic and social problems in Clay County and the surrounding areas; and

WHEREAS, he has supported programs of public health, mental health, Clay County Rescue Squad, Hugo Black Memorial Library, Title X Program, Rural Water Systems, Ashland and Lineville Water Systems, and the RC & D Project, also taking part in the Attitude Survey, Clay County Fire Ant Program, Employment Survey, and the Rural Community Fire Department work; and

WHEREAS, he has led in establishing the Clay County Planning Office with a full-time county planner, has established a county-wide garbage collection program and sanitary landfill area, and has increased road improvement with construction of Highway 77, between Ashland and Talladega, and promoted construction of the new Cragford Bridge; and

WHEREAS, Judge Toland has promoted industrial development in view of a county industrial park, has given devoted service and commendable leadership as Chairman of Clay County Rural Development Committee, Secretary to RC & D Council, Member of A-95 Review Committee for the East Alabama Regional Planning Commission, Hospital Medical Facilities Guiding Organizations Health Chairman, Contracting Officer for Ketchepedrakee and Crooked Creek Watershed, and Director of the Tallocoosa-Highland Lakes Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend The Honorable John Bunyan Toland for his untold contributions to the citizens of Clay County and of his state.

BE IT RESOLVED FURTHER, That, as a token of our high esteem, a copy of this resolution be sent to Judge Toland.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 43, on the Clerk's desk for one legislative day.

Also:

By Mr. McCluskey:

H. J. R. 44. CONGRATULATING MRS. JANICE PROCTOR UPON BEING NAMED 1976 CITIZEN OF THE YEAR FOR TALLADEGA COUNTY.

WHEREAS, Mrs. Janice Proctor is married to Attorney Lister Proctor and is the mother of two young children; and

WHEREAS, Mrs. Proctor is a native of Lineville and holds a masters degree in Special Education from the University of Alabama; and

WHEREAS, Mrs. Proctor served as the first president of the Talladega County Association for Retarded Citizens; and

WHEREAS, Mrs. Proctor has voluntarily contributed countless hours of her time to the advancement of programs sponsored by the Association for Retarded Citizens; and

WHEREAS, Mrs. Proctor was very instrumental in the organization's first fund raising drive, which netted over \$10,000; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Mrs. Janice Proctor upon being named 1976 Citizen of the Year for Talladega County.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to Mrs. Janice Proctor.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 44, on the Clerk's desk for one legislative day.

Also:

By Messrs. Sonnier, Sandusky, Cooper, Kennedy, Buskey, Johnstone, Glass, McCulley, Callahan and McMillan:

H. J. R. 45. CONGRATULATING MISS DORIS BENDER UPON HER RETIREMENT FROM THE ALABAMA DEPARTMENT OF PENSIONS AND SECURITY AND AS DIRECTOR OF THE MOBILE COUNTY DEPARTMENT OF PENSIONS AND SECURITY.

WHEREAS, Miss Doris Bender on December 31, 1976, did retire from state service having served as Director of the Mobile County Department of Pensions and Security for the past thirty-three years; and

WHEREAS, she has served with the Alabama Department of Pensions and Security for the past forty-three years; and

WHEREAS, because of her life-long, deeply-felt concern for the needy, she has devoted her tremendous capabilities in a life-long unswerving effort to alleviate the plight of the less fortunate; and

WHEREAS, because of her efforts, she has overseen a tremendous growth in the amount of assistance to the needy, both in terms of monetary assistance and services, and

WHEREAS, although she has been untiring in her efforts as Director of the Mobile County Department of Pensions, she has also contributed much to Mobile through her numerous activities in community affairs, which effort she plans to continue; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we pay tribute to Miss Doris Bender for outstanding and unparalleled service to this State and to the Alabama Department of Pensions and Security and the people of Mobile County.

BE IT FURTHER RESOLVED, That we wish Miss Doris Bender much happiness and satisfaction in her future endeavors.

BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to Miss Doris Bender.

On motion of Mr. Sonnier, the rules were suspended, and the resolution, H. J. R. 45, was adopted.

Also:

By Messrs. Sonnier, Kennedy, Buskey, McMillan, Glass, McCulley, Sandusky and Callahan:

H. J. R. 46. CONGRATULATING SHERIFF TOM PURVIS FOR CREATING AND DEVELOPING THE MOBILE COUNTY SHERIFF'S DEPARTMENT'S JUNIOR DEPUTY PROGRAM.

WHEREAS, Sheriff Tom Purvis did found in March, 1975, the Mobile County Sheriff's Department's Junior Deputy Program; and

WHEREAS, the Junior Deputy Program has as its objective increasing the awareness and respect of youth in Mobile County for law enforcement; and

WHEREAS, the Junior Deputy Program in its first year trained more than 5300 youth and, in this school year, will reach more than 18,000 youth in 68 public, parochial and private schools in Mobile County; and

WHEREAS, the Mobile County Sheriff's Department's Junior Deputy Program is most ably carried out by the untiring efforts of the personnel of the Mobile County Sheriff's Department's Youth Aid Division, under the able direction of Sheriff Tom Purvis; and

WHEREAS, the Junior Deputy Program should serve to prevent and limit the growth of crime among juveniles in Mobile County; and

WHEREAS, Sheriff Tom Purvis should be heartily commended for developing this unique program which aptly reflects his deep and sincere concern for all young people; and

WHEREAS, the Mobile County Sheriff's Department's Junior Deputy Program is an outstanding example of the programs supported by the Alabama Law Enforcement Planning Association; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend Sheriff Tom Purvis for his outstanding service to this State and to the people of Mobile County for establishing and developing the Mobile County Sheriff's Department's Junior Deputy Program.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Sheriff Tom Purvis and to his family.

On motion of Mr. Sonnier, the rules were suspended and the resolution, H. J. R. 46, was adopted.

Also:

By Messrs. McCorquodale, Dial, Mitchem, Quarles, McCluskey, Callahan, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, Mculley, McMillan, McNair, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. J. R. 47. REGRETTING THE ILLNESS OF MRS. JEAN BRANDLI.

WHEREAS, it has been learned that Mrs. Jean Brandli is currently hospitalized at Spain Rehabilitation Center, following a stroke; and

WHEREAS, this body is mindful and deeply appreciative of the many contributions of Mrs. Brandli toward the betterment of her community; and

WHEREAS, her illness is an experience of shared distress and concern by all her family and many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most earnestly beseech her early and complete recovery.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Brandli and that she might know of our good wishes and deep feelings.

On motion of Mr. Dial, the rules were suspended and the resolution, H. J. R. 47, was adopted.

#### H. 426 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 426, from the Standing Committee on State Administration to the Standing Committee on Commerce and Transportation.

#### NOTICE IN WRITING

Mr. Riddick filed the following Notice in Writing:

Notice is hereby given that on the next Legislative Day I shall move that Rule 16 of the General Rules of Order and Procedure of the House of Representatives be amended by adding to House Rule 16 the following:

"provided, however, that beginning on the Sixth Legislative Day, a motion to adjourn will not be in order until and unless the House has transacted business for a minimum of four hours exclusive of any periods of recess or until the House business, as evidenced by the completion of the House Calendar, has been completed."

BILLS ON THIRD READING

And the bill:

H. 40. To amend Section 18 of Act No. 403, H. 330, 1971 Regular Session (Acts 1971, p. 689), entitled "An Act Requiring the registration and licensing of barbers and barber apprentices, and barber colleges, creating for the administration of this Act a State Board of Barber Examiners, and defining violation of this Act and prescribing penalties therefor," so as to add Cleburne County to the list of counties to which the Act does not apply.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Edwards, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Higginbotham, Hines, Holmes (D), Jackson (F), Johnstone, Kelley, Kennedy, Killian, Kinsey, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—63

And the bill:

H. 51. To amend Section 1 of Act No. 165, H. 130, 1971 Special Session (Acts of 1971, p. 4413), entitled, "An Act Relating to counties having a population of not less than 10,900 nor more than 11,500 according to the most recent federal decennial census; to provide for the payment of a clerk hire allowance in the Probate Judge's office of such counties," so as to increase the amount of such allowance; to provide that such allowance shall be paid from any available county funds and to provide that the provisions of this act shall be retroactive to January 17, 1977.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Dial, Drake, Edwards, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Higginbotham, Hines, Holmes (D), Jackson (F), Kelley, Kennedy, Killian, Kinsey, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Roberts, Robertson, Sasser, Smith (B), Smith (M), Sparks, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—64

And the bill:

H. 52. To provide an expense allowance for the coroner and to authorize the coroner to appoint a deputy coroner in all counties hav-

ing a population of not less than 10,900 nor more than 11,500 inhabitants according to the 1970 or any subsequent federal decennial census.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holmes (A), Holmes (D), Jackson (F), Johnstone, Kelley, Kennedy, Killian, Kinsey, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Roberts, Sasser, Smith (B), Smith (C), Smith (M), Sparks, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—68

And the bill:

H. 135. Relating to Clay County; to change the method of compensating the judge of probate, the tax assessor, the tax collector, the clerk of the circuit court and the register of the circuit court; and to fix the compensation for each of such officers, subject to the ratification of a constitutional amendment.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hines, Holmes (A), Holmes (D), Jackson (F), Johnstone, Kelley, Killian, Kinsey, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—65

And the bill:

H. 137. To authorize the county commission in all counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the 1970 or any subsequent federal decennial census to appropriate from the county general fund the necessary funds to adequately support those little league athletic programs directly affiliated with any of the public schools in such counties and to provide retro-active effect for said act.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crowe, Dial, Drake,



Edwards, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holmes (A), Holmes (D), Howard, Jackson (F), Johnstone, Killian, Kinsey, Lee, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Plaster, Reed, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—68

And the bill:

H. 252. To amend Section 1 of Act No. 441, H. 916, 1976 Regular Session (Acts 1976, p. 542) entitled "An Act Relating to counties having populations of not less than 34,000 nor more than 34,800 according to the most recent federal decennial census; to provide an additional expense allowance for members of the governing body of any such county payable out of county funds," so as to change the amount of the additional expense allowance and to make the provisions of the Act retroactive.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes (A), Holmes (D), Howard, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Naramore, Owens, Pegues, Plaster, Reed, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—71

And the bill:

H. 29. Proposing an amendment to the Constitution of Alabama of 1901 to provide for the removal, within a prescribed time, of the Coffee County courthouse from Elba and to the annex thereto from Enterprise to New Brockton, provided a majority of the electors voting in the constitutional amendment election in Coffee County approved such an amendment; and to authorize the governing body of Coffee County to accept any financial aid offered to it, including aid from the federal government.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Kennedy, Killian, Kinsey, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Riddick, Roberts, Sasser,

Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—81

And the bill:

H. 10. Relating to Pike County, increasing the pistol permit fee in said county.

Was taken up.

#### AMENDMENT OFFERED

Mr. Folmar offered the following amendment to the bill, H. 10:

On line 14 in the title, delete the period after the word "county" and insert the words "and providing for retroactive effect."

On line 28, change the wording of Section 4 to read as follows:

"The provisions of this act shall be retroactive to August 18, 1976."

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Biddle, Boles, Brindley, Buskey, Campbell, Carter, Cates, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Killian, Kinsey, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Naramore, Owens, Pegues, Plaster, Reed, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—72

And the bill:

H. 10. Relating to Pike County, increasing the pistol permit fee in said county and providing for retroactive effect.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Kennedy, Killian, Kinsey, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Naramore, Owens, Pegues, Plaster, Reed, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Trammell, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—71

REGULAR SESSION  
3rd Day

173

And the bill:

H. 212. To authorize the Limestone County Commission to appropriate funds from the Highway Traffic Funds of said county or other funds in the County Treasury for law enforcement purposes in said county, including the payment of the salaries of any deputies that might be employed by the Sheriff of said county.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Kennedy, Killian, Kinsey, Leonard, Locket, Lutz, McCluskey, McCulley, McMillan, McNeese, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Roberts, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—72

And the bill:

H. 290. To repeal Act No. 361, H. 1141, Regular Session of 1973 (Acts 1973, p. 515), entitled "An Act Relating to counties having not less than 16,350 nor more than 16,650 populations, according to the most recent federal decennial census; to provide an additional clerks hire allowance for the Probate Judge of such counties."

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Biddle, Boles, Brindley, Buskey, Campbell, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Johnstone, Jolly, Killian, Kinsey, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeese, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Pegues, Plaster, Reed, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—69

And the bill:

H. 372. (With Amendment): Relating to counties having a population of not less than 95,000 nor more than 115,000 inhabitants according to the 1970 or any subsequent federal decennial census; further amending Section 1 of Act No. 460, H. 516 of the 1967 Regular Session (Acts 1967, p. 1151), as amended, which act regulates the operation of food stores subject to the Sunday closing statutes and provides certain exemptions thereto, so as to prohibit the operation of such stores with more than five employees.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

On page two, "Section 1(b), on line 23 after the word "work." add the following sentence: Any employer of such food store is expressly prohibited from firing any employee, or using as the sole grounds for refusing to employ any person, who, for religious or other reasons of conscience, refuses to work on Sunday.

And the amendment was adopted.

Yeas 66; Nays 0.

*Yeas:*

Mr. Speaker, Baker, Biddle, Buskey, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hilliard, Hines, Holmes (A), Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—66

And the bill, H. 372 as thus amended, was read a third time at length and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Buskey, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Moore (O), Naramore, Owens, Pegues, Plaster, Reed, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—71

## RESOLUTIONS

The following resolutions were introduced:

By Messrs. Venable and Plaster:

**H. J. R. 48. COMMENDING AND CONGRATULATING THE ELMORE COUNTY HIGH SCHOOL FOOTBALL TEAM FOR WINNING THE STATE 2A FOOTBALL CHAMPIONSHIP.**

**WHEREAS,** The Elmore County High School "Panthers" won the 1976 State 2A Football Championship; and

**WHEREAS,** This fine team ended an outstanding 1976 season winning thirteen games and losing only one; and

**WHEREAS,** Coach Terry Burt, Head Coach at Elmore County High School for thirteen years, and assistants Abraham Brown, Tom McGhee and Bill Hill worked countless hours helping to develop this winning team; and

REGULAR SESSION  
3rd Day

175

WHEREAS, Each team member worked diligently, long and hard, contributing greatly to his team's success and also exhibiting the enviable attributes of good sportsmanship and fair play; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do commend, highly praise and heartily congratulate the Elmore County High School Panthers on receiving the State 2A Crown.

BE IT RESOLVED FURTHER, That copies of this resolution be sent to Mr. C. F. Wingett, principal of Elmore County High School, to Coach Terry Burt and his assistant coaches, and to each member of the team.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 48, on the Clerk's desk for one legislative day.

Also:

By Messrs. Venable, McNees, Plaster, Wyatt and Morris:

H. J. R. 49. MOURNING THE DEATH OF JOHN EDWARD O'BRIEN OF TALLASSEE.

WHEREAS, The Alabama legislature has noted with a sense of deep regret the death of John Edward "Hot" O'Brien of Tallassee, at the age of 70, in Baptist Medical Center, Montgomery, on January 18, 1977; and

WHEREAS, "Hot" O'Brien, a nickname acquired in college and by which he became almost exclusively known throughout the remainder of his life, was a fine and outstanding athlete a legendary coach, a dedicated teacher, a devoted husband and a real gentleman; and

WHEREAS, He compiled an enviable record during a coaching career of eighteen years of one-hundred twenty wins, only twenty-eight losses and seventeen ties, in addition to an accomplishment of fifty-eight consecutive games without a defeat, marred only by one tie; and

WHEREAS, Coach O'Brien, who earned twelve letters while at Birmingham-Southern and led his basketball teams to the state tournament in twelve of fourteen years he coached them, was primarily interested in the physical and moral development of his players, stressing fair play as their chief objective, rather than winning or setting records; and

WHEREAS, He was a leader in many other fields as well, having taught a Sunday School class for thirty years, serving as a deacon and trustee in his church, serving as president of the Tallassee Rotary Club, and as recreation director for the city for sixteen years; and

WHEREAS, John Edward "Hot" O'Brien will be grievously missed and deeply mourned by all those who were privileged to know him; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we do deeply mourn the death of Coach John Edward "Hot" O'Brien, and extend to his wife, Mrs. Clara Lee O'Brien of Tallassee, and to his family, the deep and heartfelt sympathy of this body.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. O'Brien.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 49, on the Clerk's desk for one legislative day.

#### BILLS ON THIRD READING RESUMED

And the bill:

H. 100. To adopt a Code of laws for the State of Alabama.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 82; Nays 4.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Johnson, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—82

Nays:

Messrs.: Andrews, Folmar, Plaster and Trammell.

—4

#### UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for Messrs. Albright, Armstrong, Baker, Biddle, Brindley, Buskey, Campbell, Carothers, Coburn, Cooper, Crowe, Drake, Falkenburg, Ford, Glass, Goodwin, Greer, Gregg, Harrison, Higginbotham, Hill, Hilliard, Holmes (A), Holmes (D), Hopping, Johnson, Johnstone, Kennedy, Lee, Leonard, Lewis, Lockett, McCulley, McNees, Manley, Merrill, Moore (O), Porter, Quarles, Reed, Rich, Riddick, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Warren, Whatley, White and Wyatt to be added as co-sponsors to the bill, H. 100.

And the bill:

H. 101. To create the Alabama Code Commission and to provide for continuing Code Revision.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 85; Nays 7.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Harrison, Higginbotham, Hill, Hilliard, Holley, Holmes (A), Holmes (D), Hopping, Johnson, Johnstone, Killian, Kinsey,

Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Owens, Pegues, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—85

*Nays:*

Messrs.: Andrews, Boles, Crawford, Hall, Naramore, Plaster and Trammell.

—7

#### UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for Messrs. Albright, Armstrong, Baker, Biddle, Brindley, Buskey, Campbell, Carothers, Coburn, Cooper, Crowe, Drake, Falkenburg, Ford, Glass, Goodwin, Greer, Gregg, Harrison, Higginbotham, Hill, Hilliard, Holmes (A), Holmes (D), Hopping, Johnson, Johnstone, Kennedy, Lee, Leonard, Lewis, Lockett, McCulley, McNees, Manley, Merrill, Moore (O), Porter, Quarles, Reed, Rich, Riddick, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Warren, Whatley, White and Wyatt to be added as co-sponsors to the bill, H. 101.

And the bill:

H. 103. To further amend Section 847 of Title 51 of the Code of Alabama 1940 as heretofore amended by extending each of the time limits set out in said Section 847 by an additional ten days.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—91

And the bill:

H. 104. To further amend Section 712 of Title 51 of the Code of Alabama 1940 as heretofore amended so as to extend by ten days the time allowable for disbursing the money the probate judge receives in respect of motor vehicle licenses and registration fees and to extend by ten days the time allowable to the probate judge for forwarding to the Comptroller and the Department of Revenue a certified list of all motor vehicle licenses issued by the probate judge during the preceding month.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 91; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—91

And the bill:

H. 106. To amend Section 5 and 19 of Act 765, Regular Session, 1973 Alabama Legislature, to remove the requirement of a copy of each security interest document when perfecting a security interest in a vehicle of a type which a certificate of title is required; and for related purposes; and to set an effective date.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 92, Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—92

## RESOLUTION

The following resolution was introduced:

By Messrs. Pegues, Killian, Falkenburg, White and Cooper:

H. J. R. 50. CONTINUING THE COMMITTEE CREATED BY ACT NO. 755, HJR 326, OF THE 1976 LEGISLATURE AND POSTPONING THE DAY FOR FILING ITS FINAL REPORT AND EXTENDING THE EXISTENCE OF SAID COMMITTEE.

WHEREAS, Act No. 755, HJR 326, page 1039, of the Regular Session of the 1976 Legislature created a select joint committee to study the rising cost to the state of the Medicare and Medicaid programs; and



WHEREAS, said resolution directed that the committee report its findings, conclusions and recommendations to the Legislature not later than the fifth legislative day of the 1977 Regular Session, whereupon the committee should be dissolved; and

WHEREAS, it is deemed wise and expedient that this committee have more time in which to report its findings, and that the life of this committee be extended; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Select Joint Committee to Study the Rising Cost to the State of the Medicare and Medicaid Programs, created by Act No. 755, HJR 326, 1976 Regular Session, report its findings not later than the tenth legislative day and that the life of this Committee shall expire on the 30th legislative day of the 1977 Regular Session.

On motion of Mr. Pegues, the rules were suspended and the resolution, H. J. R. 50, was adopted.

#### BILLS ON THIRD READING RESUMED

And the bill:

H. 340. To amend further Section 6 of Act No. 48, H. 34, 5th Special Session 1950 (Acts 1950-1951, Vol. 1, p. 102) which relates to social security for certain officers and employees of the State and local governments of Alabama, so as to authorize the State Agency for Social Security to make further withdrawals for administration purposes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Messrs.: Andrews, Armstrong, Baker, Barron, Biddle, Boles, Buskey, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Dial, Drake, Edwards, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Hopping, Howard, Jackson (F), Johnstone, Jolly, Killian, Kinsey, Lee, Leonard, Lewis, Lutz, McCulley, McMillan, McNair, McNees, Manley, Martin, Mitchem, Naramore, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley and Williams.

—74

And the bill:

H. 90. Amending Title 61, Section 193, Code of Alabama 1940 which relates to the appraisement of decedents' personal estates so as to increase the fees paid to appraisers for such services from two dollars (\$2.00) per day to twenty-five (\$25.00) per day.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 7.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper,

Cross, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Owens, Pegues, Plaster, Porter, Reed, Rich, Riddick, Sasser, Smith (B), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—77

*Nays:*

Messrs.: Andrews, Higginbotham, McMillan, Morris, Naramore, Quarles and Whatley.

—7

And the bill:

H. 94. (With Amendment): To amend Section 68, Title 36, Code of Alabama 1940, which relates to the cancellation, suspension and revocation of a driver's license or driving privilege, so as to regulate further conditions prerequisite to the mandatory revocation of a driver's license or driving privilege upon conviction for driving while intoxicated or while an habitual user of narcotic drugs.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 94, Section 1, on page 3, line 25 of said bill by striking the word "prohibited" (prohibited) and substituting in lieu thereof the word "prohibits" (prohibits).

And the amendment was adopted.

Yeas 64; Nays 3.

*Yeas:*

Mr. Speaker, Albright, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carter, Cates, Cooper, Crowe, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Higginbotham, Hilliard, Holmes (A), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Porter, Quarles, Reed, Rich, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Starkey, Taylor, Trammell, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—64

*Nays:* Messrs.: Edwards, Holley and McNair.

—3

#### AMENDMENT OFFERED

Mr. Killian offered the following amendment to the bill, H. 94, as amended:

Amend H. B. 94 by adding the following paragraph at the end of Section 1, page 5, line 33 of the bill:

"Any person convicted of driving while intoxicated may be required to attend a duly established "Highway Intoxication Seminar," "D. W. I. Counterattack Course," or similar educational programs designed for problem drinking drivers, if available."

REGULAR SESSION

181

3rd Day

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 72; Nays 1.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Boles, Brindley, Campbell, Carter, Cates, Cooper, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Jolly, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Merrill, Moore (O), Naramore, Pegues, Porter, Quarles, Reed, Rich, Riddick, Roberts, Shelton, Smith (B), Smith (M), Sonnier, Starkey, Taylor, Trammell, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—72

Nay: Mr. Smith (J).

—1

MOTION TO POSTPONE

Mr. Owens offered the motion to postpone further consideration of the bill, H. 94 as amended, to the sixth legislative day.

MOTION TO TABLE LOST

Mr. Killian offered the motion to table the motion offered by Mr. Owens to postpone the bill, H. 94 as amended, to the sixth legislative day, and the motion was lost.

Yeas 34; Nays 48.

Yeas:

Messrs.: Boles, Buskey, Clark, Drake, Folmar, Ford, Gafford, Goodwin, Greer, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Johnstone, Jolly, Kennedy, Killian, Lee, Leonard, Lockett, Lutz, Moore (O), Moore (W), Morris, Naramore, Quarles, Shelton, Sonnier, Starkey, Taylor Trammell and White.

—34

Nays:

Mr. Speaker, Andrews, Armstrong, Barron, Biddle, Brindley, Campbell, Carothers, Cates, Cooper, Crawford, Cross, Dial, Edwards, Glass, Gregg, Hall, Harris, Harrison, Higginbotham, Howard, Johnson, Kinsey, McCluskey, McMillan, McNees, Martin, Merrill, Mitchem, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—48

H. 94 POSTPONED

The question was then on the motion offered by Mr. Owens to postpone further consideration of the bill, H. 94 as amended, to the sixth legislative day, and the motion was adopted.

Yeas 56; Nays 25.

Yeas:

Mr. Speaker, Armstrong, Barron, Biddle, Callahan, Campbell, Carothers, Cates, Clark, Cooper, Crawford, Cross, Dial, Drake, Edwards, Gafford,

Glass, Gregg, Hall, Harris, Harrison, Higginbotham, Holley, Holmes (D), Johnson, Kennedy, Kinsey, Lewis, McCluskey, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Owens, Pegues, Plaster, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—56

*Nays:*

Messrs.: Andrews, Boles, Buskey, Folmar, Ford, Greer, Hill, Hines, Holmes (A), Hopping, Howard, Johnstone, Killian, Leonard, Lockett, Lutz, Moore (W), Morris, Namore, Quarles, Shelton, Smith (J), Starkey, Taylor and Trammell.

—25

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 15. Commending Mr. S. O. Higgins by having the lecture Room of Southern Union State Junior College named in his honor.

Also:

H. J. R. 16. Commending William "Bill" Young for his outstanding service to Cleburne County as Probate Judge.

Also:

H. J. R. 17. Commending White Plains High School of Oxford, Alabama, for their outstanding 1976 football season.

Also:

H. J. R. 19. Commending Miss Joy Payne for being chosen Alabama Textile Queen.

Also:

H. J. R. 20. Commending Mrs. Frances Conn, Sylacauga Exchange Club's "Woman of the Year".

Also:

H. J. R. 23. Commending Dr. Philip E. Lamoreaux for his many outstanding accomplishments during 16 years as State Geologist and Supervisor for the Oil and Gas Board.

Also:

H. J. R. 34. Mourning the tragic death of Curt Eddens.

Also:

H. J. R. 35. Mourning the tragic death of Roger Brookshire.

Also:

H. J. R. 36. Designating the Ninth Annual Millbrook Festival, to be held May 21, 1977, the official Montgomery Area Armed Forces Day Celebration.

**REGULAR SESSION**  
**3rd Day**

183

Also:

H. J. R. 45. Congratulating Miss Doris Bender upon her retirement from the Alabama Department of Pensions and Security and as Director of the Mobile County Department of Pensions and Security.

Also:

H. J. R. 46. Congratulating Sheriff Tom Purvis for creating and developing the Mobile County Sheriff's Department's Junior Deputy Program.

Also:

H. J. R. 47. Regretting the illness of Mrs. Jean Brandli.

McDOWELL LEE,  
Secretary.

**NOTICE IN WRITING**

Mr. Smith (B) filed the following Notice in Writing:

Notice is hereby given in accordance with the House Rules that on the next legislative day a motion will be made to amend House Rule No. 7 to read as follows:

Rule 7. Any matter may, by a vote of a majority of the members present, be made the special order for any hour, which shall take precedence at that hour of any other business except a motion to reconsider. Provided, That a motion to make a bill or resolution a special order shall give the number of the bill or resolution. And provided further, That no bill or resolution shall be set for a special order or consideration except by a resolution reported from the Committee on Rules, and provided further, That any special order calendar must be printed and distributed to all members by placing it in their box at the rear of the House Chamber one legislative day before the special order calendar is to be effective.

**BILLS ON THIRD READING RESUMED**

And the bill:

H. 152. To amend the Title, Section 1 and Section 2 of Act No. 539, H. 201, 1975 Regular Session (Acts of 1975, p. 1192) which provides that driver licenses and non-driver identification cards bear photographic likeness of the recipient, so as to require that emergency medical data also be placed on all driver licenses and non-driver identification cards.

Was taken up.

**AMENDMENT OFFERED**

Mr. Lutz offered the following amendment to the bill, H. 152:

Amend H. B. 152 on page 4 by deleting Section 4 and inserting the following Section 4:

Section 4. This Act shall become effective one year subsequent to its passage and approval by the Governor, or to its otherwise becoming a law.

## AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Andrews, Barron, Boles, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kennedy, Kinsey, Lee, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Weeks, Whatley, White, Williams and Wyatt.

—72

And the bill, H. 152 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 92; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—92

## UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for Messrs. Rich, Leonard, Reed, Gregg and Hall to be added as co-sponsors to the bill, H. 152.

And the bill:

H. 267. To amend Section 2-316 of Act No. 549, S. 2, Regular Session 1965 (Acts 1965, p. 811) (now appearing in Title 7 A, in the supplement to Code of Alabama, recompiled 1958), which is the Alabama Uniform Commercial Code, and which Section 2-316 concerns the exclusion or modification of the implied warranties of merchantability or fitness for a particular purpose to circumscribe the limitation or exclusion of the implied warranty of merchantability or fitness for a particular purpose in the sale or lease of new consumer goods.

Was taken up.

## MOTION TO POSTPONE

Mr. Morris offered the motion to postpone the bill, H. 267, to the eighth legislative day.

REGULAR SESSION  
3rd Day

185

MOTION TO TABLE LOST

The motion offered by Mr. Johnstone to table the substitute motion offered by Mr. White to postpone consideration of the bill, H. 267, to the thirtieth legislative day, was lost.

Yeas 33; Nays 56.

*Yeas:*

Messrs.: Boles, Buskey, Cooper, Crowe, Glass, Hall, Harris, Harrison, Hill, Holmes (A), Hopping, Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Leonard, Lewis, Lutz, McCulley, McNees, Manley, Naramore, Plaster, Porter, Quarles, Rich, Riddick, Robertson, Sonnier, Taylor and Tucker.

—33

*Nays:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cross, Dial, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Gregg, Higginbotham, Holley, Holmes (D), Jackson (F), Kinsey, Lockett, McCluskey, McMillan, McNair, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Roberts, Sasser, Shelton, Smith (C), Smith (M), Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—56

SUBSTITUTE MOTION ADOPTED

The question was then on the substitute motion offered by Mr. White to postpone consideration of the bill, H. 267, to the thirtieth legislative day, and the substitute motion was adopted.

Yeas 60; Nays 28.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Gregg, Higginbotham, Hines, Holley, Holmes (D), Jackson (F), Kennedy, Kinsey, Lockett, McMillan, Martin, Merrill, Mitchem, Moore (O), Morris, Owens, Pegues, Plaster, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—60

*Nays:*

Messrs.: Albright, Boles, Buskey, Glass, Hall, Harris, Harrison, Hill, Hilliard, Holmes (A), Hopping, Johnson, Jolly, Kelley, Leonard, Lewis, Lutz, McCulley, McNair, McNees, Manley, Moore (W), Naramore, Quarles, Rich, Sonnier, Taylor and Tucker.

—28

H. 267 POSTPONED

On substitute motion offered by Mr. White, the bill, H. 267, was postponed to the thirtieth legislative day.

MOTION TO ADJOURN LOST

The motion offered by Mr. Rich that the House adjourn until 10:00 o'clock a.m., Thursday, February 10, 1977, was lost.

Yeas 33; Nays 41.

Yeas:

Messrs.: Andrews, Brindley, Buskey, Cates, Crawford, Dial, Edwards, Folmar, Ford, Goodwin, Harris, Hilliard, Holley, Hopping, Howard, Johnson, Johnstone, Kelley, Kennedy, Lewis, McCulley, McNair, McNees, Merrill, Morris, Porter, Rich, Robertson, Sasser, Shelton, Sparks, Taylor and Williams:

—33

Nays:

Messrs.: Albright, Armstrong, Biddle, Callahan, Campbell, Carothers, Coburn, Crowe, Falkenburg, Gafford, Greer, Gregg, Hall, Higginbotham, Holmes (A), Jackson (F), Killian, Kinsey, Leonard, Lutz, McMillan, Martin, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Turnham, Venable, Waggoner, Warren, Weeks and Wyatt.

—41

## BILLS ON THIRD READING RESUMED

And the bill:

H. 86. Relating to the regulated loan business; providing for regulation, examination, investigation, and licensing of individuals, firms, and corporations engaged in the business of making regulated loans and for the suspension and revocation of licenses issued hereunder for specified reasons; prescribing maximum rates of interest and other charges for loans; providing for the administration and enforcement of the Act, prescribing penalties, providing for the proper repeal of existing laws, including Section 18 (f) of Act No. 2052, S. B. 122 of the Regular Session of 1971, approved October 1, 1971, relating to loans over \$300.00 and Act No. 374, H. B. 102 of the Regular Session of 1959, approved November 6, 1959, relating to the small loan business and Act No. 159, H. B. 233, approved June 23, 1945 (General Acts of Alabama, 1945, page 200), relating to the small loan business and providing for regulation of the same.

Was taken up.

## MOTION TO POSTPONE

Mr. Rich offered the motion to postpone the bill, H. 86, to the thirtieth legislative day.

## MOTION TO TABLE LOST

The motion offered by Mr. Gafford to table the motion offered by Mr. Rich to postpone the bill, H. 86, to the thirtieth legislative day, was lost.

Yeas 32; Nays 35.

Yeas:

Messrs.: Albright, Armstrong, Biddle, Brindley, Callahan, Carothers, Carter, Cates, Coburn, Cross, Falkenburg, Gafford, Glass, Goodwin, Holmes (A), Kinsey, Lee, Lutz, McMillan, Moore (O), Pegues, Plaster, Reed, Roberts, Smith (C), Sonnier, Sparks, Starkey, Venable, Weeks, White and Williams.

—32

Nays:

Messrs.: Andrews, Baker, Barron, Boles, Buskey, Campbell, Dial, Edwards, Ford, Gregg, Hall, Higginbotham, Hill, Hines, Holmes (D), Hop-



ping, Howard, Jackson (F), Johnstone, Kennedy, Killian, McNair, Martin, Merrill, Owens, Porter, Quarles, Rich, Riddick, Robertson, Sasser, Smith (B), Taylor, Tucker and Wyatt.

—35

### MOTION TO POSTPONE LOST

The question was then on the motion offered by Mr. Rich to postpone consideration of the bill, H. 86, to the thirtieth legislative day, and the motion was lost.

Yeas 28; Nays 44.

*Yeas:*

Messrs.: Barron, Boles, Buskey, Campbell, Dial, Edwards, Ford, Gregg, Hall, Hill, Hines, Holmes (D), Hopping, Howard, Kennedy, Killian, Leonard, McNair, Merrill, Porter, Quarles, Rich, Riddick, Smith (B), Sparks, Taylor, Tucker and Wyatt.

—28

*Nays:*

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Callahan, Carothers, Carter, Cates, Coburn, Cross, Falkenburg, Gafford, Glass, Goodwin, Greer, Higginbotham, Holley, Holmes (A), Jackson (F), Kinsey, Lee, Lutz, McMillan, Martin, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Reed, Roberts, Sandusky, Sasser, Sonnier, Starkey, Turnham, Venable, Waggoner, Weeks, White and Williams.

—44

### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 15. COMMENDING MR. S. O. HIGGINS BY HAVING THE LECTURE ROOM OF SOUTHERN UNION STATE JUNIOR COLLEGE NAMED IN HIS HONOR.

Also:

H. J. R. 16. COMMENDING WILLIAM "BILL" YOUNG FOR HIS OUTSTANDING SERVICE TO CLEBURNE COUNTY AS PROBATE JUDGE.

Also:

H. J. R. 17. COMMENDING WHITE PLAINS HIGH SCHOOL OF OXFORD, ALABAMA, FOR THEIR OUTSTANDING 1976 FOOTBALL SEASON.

Also:

H. J. R. 19. COMMENDING MISS JOY PAYNE FOR BEING CHOSEN ALABAMA TEXTILE QUEEN

Also:

H. J. R. 20. COMMENDING MRS. FRANCES CONN, SYLA-CAUGA EXCHANGE CLUB'S "WOMAN OF THE YEAR"

Also:

H. J. R. 23. COMMENDING DR. PHILIP E. LAMOREAUX FOR HIS MANY OUTSTANDING ACCOMPLISHMENTS DURING 16 YEARS AS STATE GEOLOGIST AND SUPERVISOR FOR THE OIL AND GAS BOARD.

Also:

H. J. R. 34. MOURNING THE TRAGIC DEATH OF CURT EDDENS.

Also:

H. J. R. 35. MOURNING THE TRAGIC DEATH OF ROGER BROOKSHIRE.

Also:

H. J. R. 36. DESIGNATING THE NINTH ANNUAL MILLBROOK FESTIVAL, TO BE HELD MAY 21, 1977, THE OFFICIAL MONTGOMERY AREA ARMED FORCES DAY CELEBRATION

Also:

H. J. R. 45. CONGRATULATING MISS DORIS BENDER UPON HER RETIREMENT FROM THE ALABAMA DEPARTMENT OF PENSIONS AND SECURITY AND AS DIRECTOR OF THE MOBILE COUNTY DEPARTMENT OF PENSIONS AND SECURITY.

Also:

H. J. R. 46. CONGRATULATING SHERIFF TOM PURVIS FOR CREATING AND DEVELOPING THE MOBILE COUNTY SHERIFF'S DEPARTMENT'S JUNIOR DEPUTY PROGRAM.

Also:

H. J. R. 47. REGRETTING THE ILLNESS OF MRS. JEAN BRANDLI.

And finds same correctly enrolled.

TOM DRAKE,  
Chairman.

#### SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### MOTION TO ADJOURN LOST

The motion offered by Mr. Dial that the House adjourn until 10:00 o'clock a.m., Thursday, February 10, 1977, was lost.

Yeas 27; Nays 57.

Yeas:

Messrs.: Andrews, Barron, Brindley, Buskey, Dial, Edwards, Ford, Goodwin, Harrison, Hilliard, Hopping, Johnson, Johnstone, Jolly, Kennedy,

**REGULAR SESSION**  
**3rd Day**

189

Lewis, Lockett, McCulley, McNair, Merrill, Porter, Rich, Robertson, Sparks, Taylor, Tucker and Wyatt.

—27

*Nays:*

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Cates, Coburn, Cross, Crowe, Falkenburg, Gafford, Glass, Greer, Gregg, Hall, Harris, Hill, Hines, Holmes (A), Holmes (D), Jackson (F), Killian, Kinsey, Leonard, Lutz, McCluskey, McMillan, McNees, Martin, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—57

**H. 86 RESUMED**

**MOTION TO POSTPONE TABLED**

On motion of Mr. Gafford, the motion offered by Mr. Rich to postpone the bill, H. 86, to the eighth legislative day was tabled.

Yeas 50; Nays 28.

*Yeas:*

Messrs.: Albright, Armstrong, Baker, Biddle, Brindley, Buskey, Callahan, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Falkenburg, Gafford, Glass, Goodwin, Greer, Harris, Higginbotham, Holmes (A), Holmes (D), Jackson (F), Johnstone, Kinsey, Lutz, McMillan, McNees, Martin, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Riddick, Roberts, Sandusky, Sasser, Smith (C), Smith (J), Sonnier, Starkey, Venable, Waggoner, Weeks, Whatley, White and Williams.

—50

*Nays:*

Messrs.: Andrews, Barron, Boles, Campbell, Dial, Edwards, Ford, Gregg, Hall, Harrison, Hill, Hines, Hopping, Howard, Johnson, Kennedy, Killian, Leonard, McNair, Merrill, Porter, Quarles, Rich Smith (B), Sparks, Taylor, Tucker and Wyatt.

—28

**MOTION TO ADJOURN LOST**

The motion offered by Mr. Rich that the House adjourn until 10:00 o'clock a.m., Thursday, February 10, 1977, was lost.

Yeas 20; Nays 58.

*Yeas:*

Messrs.: Barron, Boles, Brindley, Buskey, Dial, Drake, Hopping, Kelley, Kennedy, Leonard, Lewis, McNair, Merrill, Porter, Rich, Shelton, Sparks, Taylor, Trammell and Wyatt.

—20

*Nays:*

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Falkenburg, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hines, Holmes (A), Holmes (D), Killian, Kinsey, Lutz, McCluskey, McMillan, McNees, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Quarles, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—58

## MOTION TO ADJOURN LOST

The motion offered by Mr. Rich that the House adjourn until 10.00 o'clock a.m., Thursday, February 10, 1977, was lost.

Yeas 19; Nays 59.

*Yeas:*

Messrs.: Andrews, Baker, Barron, Buskey, Dial, Harrison, Hopping, Howard, Kennedy, Leonard, McNair, Manley, Merrill, Porter, Rich, Robertson, Smith (M), Taylor and Wyatt.

—19

*Nays:*

Mr. Speaker, Albright, Armstrong, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Gafford, Goodwin, Greer, Hall, Hill, Holmes (A), Holmes (D), Kelley, Killian, Kinsey, Lutz, McCluskey, McMillan, McNees, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Sandusky, Sasser, Smith (C), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—59

## H. 86 RESUMED

And the bill, H. 86, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 31.

*Yeas:*

Messrs.: Albright, Armstrong, Baker, Biddle, Brindley, Callahan, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Falkenburg, Gafford, Goodwin, Greer, Higginbotham, Holley, Kelley, Kinsey, Lutz, McMillan, McNees, Martin, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Roberts, Sandusky, Sasser, Smith (C), Smith (J), Sonnier, Starkey, Turnham, Venable, Waggoner, Weeks, Whatley, White and Williams.

—47

*Nays:*

Messrs.: Andrews, Barron, Boles, Buskey, Campbell, Cooper, Dial, Drake, Edwards, Ford, Hall, Harrison, Hill, Hines, Holmes (D), Hopping, Howard, Kennedy, Killian, Leonard, McNair, Manley, Merrill, Porter, Rich, Riddick, Sparks, Taylor, Tucker, Warren and Wyatt.

—31

## RESOLUTION

The following resolution was introduced:

By Messrs. Hilliard, McNair, Tucker and Porter:

H. R. 51. WHEREAS, Coleman Alex Young is a native son of Alabama, born in Tuscaloosa and educated in the public schools of Tuscaloosa County; and

WHEREAS, He distinguished himself as a state senator in Michigan; and

WHEREAS, He worked diligently and tirelessly in behalf of poor people; and

REGULAR SESSION  
3rd Day

191

WHEREAS, Coleman Alex Young brought honor to the State of Alabama by serving as the first Black Mayor of the City of Detroit;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That the House hereby congratulates and commends him for his outstanding achievements in the field of public service and welcomes him home to his native soil.

On motion of Mr. Hilliard, the rules were suspended and the resolution, H. R. 51, was adopted.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 3:25 P.M. on February 8, 1977.

H. J. R. 2  
H. J. R. 3  
H. J. R. 6  
H. J. R. 7

JOHN W. PEMBERTON,  
Clerk.

ADJOURNMENT

On motion of Mr. Holley and pursuant to the resolution, H. J. R. 39, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, February 10, 1977.

Yeas 47; Nays 43.

Yeas:

Messrs.: Albright, Andrews, Baker, Boles, Brindley, Buskey, Cates, Clark, Coburn, Crawford, Cross, Dial, Drake, Edwards, Ford, Gafford, Goodwin, Harris, Holley, Holmes (A), Hopping, Jackson (F), Johnson, Johnstone, Kelley, Kennedy, Lewis, Lockett, McNees, Manley, Merrill, Morris, Porter, Reed, Rich, Riddick, Robertson, Sasser, Shelton, Smith (J), Sparks, Taylor, Trammell, Tucker, Whatley, White and Williams.

—47

Nays:

Mr. Speaker, Armstrong, Barron, Biddle, Callahan, Campbell, Carothers, Crowe, Falkenburg, Greer, Gregg, Hall, Hill, Hines, Holmes (D), Howard, Jolly, Killian, Kinsey, Leonard, Lutz, McCluskey, McNair, Martin, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Roberts, Sandusky, Smith (C), Sonnier, Starkey, Turnham, Venable, Waggoner, Warren, Weeks and Wyatt.

—43

## FOURTH DAY

House of Representatives  
Montgomery, Alabama  
Thursday, February 10, 1977

The House met pursuant to adjournment.

## PRAYER

The session was opened with prayer by the Reverend Cecil Bradley, St. James United Methodist Church, Montgomery, Alabama.

## ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNeese, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—102

A quorum was present.

## REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the third legislative day and finds the same to be correct.

TOM DRAKE,  
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the third legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the third legislative day was approved.

## LEAVE OF ABSENCE

At the request of Mr. Drake, leave of absence was granted for Mr. Sparks due to illness.

## BILLS ON SECOND READING

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 347. To further amend Code of Alabama 1940, Title 48, Section 52, as amended by Act No. 97 of the 1971 Special Session of the Legis-

lature of Alabama approved May 11, 1971 (1971 General Acts, V. 1, pages 171-172) so as to define the reasonable value of a public utility's property to be used as a rate base in fixing utility rates; to eliminate therefrom the amount of new investment to be added in the year immediately following the test period used in arriving at the value of such utility's property; to provide that determination of the rate base shall be calculated on the basis of average values of the property components of the rate base during the most recent 12 month period available; to exclude from the rate base, or in the alternative to require a zero return, on any part thereof arising from or provided by funds available to the utility without cost to it, unless effectively required to be allowed by an act of Congress; to exclude from the rate base any lands acquired after the effective date of this Act by any utility for a use which will require a certificate of convenience and necessity until and unless such certificate of convenience and necessity is issued by the Alabama Public Service Commission; to repeal conflicting laws and to fix the effective date of this Act.

H. 358. To provide the procedure and conditions under which any utility or telephone company regulated by the Alabama Public Service Commission may increase or decrease any customer's billing for intra-state utility or telephone service by reason of the application of any fuel or tax rate, clause or rider on and after the effective date of this Act.

H. 359. To require refunds or repayment to customers by the affected utility or telephone company of any utility or telephone rates or charges judicially held to be excessive.

H. 401. To authorize and direct the Alabama Board of Nursing to promote continuing education for nurses, and to make an appropriation to the Alabama Board of Nursing to fund the development and production of continuing nursing education programs, seminars and workshops for nurses.

H. 402. To provide a state scholarship program to promote the post baccalaureate education of graduate nurses in an accredited graduate nursing program in Alabama, and making appropriations therefor.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 350. Proposing an amendment to further amend Article XI, Section 217, of the Constitution of Alabama 1901 relative to ad valorem taxation; further providing for the assessment of taxable property and the levy of such tax.

The above bill was read a second time at length as required by the Constitution.

H. 351. To amend Section 46, Title 51, Code of Alabama 1940, relating to the assessment of taxes so as to further provide for estimating the value of taxable property.

H. 352. To amend Section 15, Title 51, Code of Alabama, 1940 (Recomp. 1958), to increase the homestead exemption from \$2,000 to \$5,000, such exemption being applicable to all state ad valorem taxes.

H. 364. To require trial judges to charge the jury, in prosecutions for crimes for which the jury by law sets the punishment, as to when and

how the defendant, if found guilty, might legally be granted parole, and to allow the prosecutor in such cases to argue the legal possibility of parole to the jury.

H. 392. To provide that individuals who are charged and convicted of murder in the first degree, robbery, burglary, and rape and are subsequently sentenced to life imprisonment, shall not be eligible for parole; and to repeal conflicting statutes.

H. 421. To prohibit threats against the person or property of another and to provide penalties therefor.

H. 422. To provide that the use of a firearm or destructive device to commit any felony, or to unlawfully carry a firearm during the commission of any felony is in violation of State law and unlawful; to prescribe for punishment in addition to the punishment provided for the commission of the felony; to prescribe mandatory sentencing upon a second or subsequent conviction, and to proscribe terms therefor from running concurrently; and to repeal all conflicting statutes.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and place on the Calendar, to-wit:

H. 582 (With Amendment): To provide that the State Oil and Gas Board shall be the sole state agency with jurisdiction and authority over "off-shore" oil exploration in the coastal waters of this state and to provide that the state oil and gas supervisor shall make all rules and regulations to implement this act.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 34. To amend the title and further amend Sections 1 and 2 of Act No. 756, H. 733 of the 1951 Regular Session (Acts 1951, Vol. II, p. 1307), relating to municipalities acquiring, owning and leasing projects for the purpose of promoting industry and trade and regulating pollution, so as to include any tourist or amusement facilities or amusement parks.

H. 35. To amend the title and further amend Sections 1 and 2 of Act No. 648, S. 518 of the 1949 Regular Session (Acts, 1949, p. 991), relating to the incorporation by municipalities of nonprofit public corporations for the purpose of promoting industry, developing trade and utilizing agricultural and natural resources, so as to include any tourist or amusement facility or amusement parks.

H. 308. To authorize the County Commission or like governing body of each of the several Counties having less than 600,000 population according to the latest Federal census to regulate the minimum size of lots, the planning and construction of all public streets, public roads and drainage structures and require proper placement of public utilities to be located in proposed subdivisions of land or in proposed additions to subdivisions of land existing at the time of the enactment of this Act where such subdivisions are situated outside the corporate limits of any municipality in such county, provided that such placement of public utilities shall not be inconsistent with the Southern Standard Building Code, State and Federal laws and regulations of State and Federal



**REGULAR SESSION**  
**4th Day**

195

regulatory agencies. To further provide for exercise of jurisdiction by counties over proposed subdivisions within the jurisdiction of municipal planning commissions and to provide for agreement of jurisdiction by counties with affected municipalities.

H 284. To provide that the Student Union Building complex at Lawson State Community College be named the Leon Kennedy Student Union Building.

H. 27. To amend the title and Sections 1, 4, 6, 8 and 10 of Act No. 14, H. 5, Special Session of 1969 (Acts 1969, p. 28), which act established the Alabama Commission of Higher Education, so as to further provide for the powers, duties and authority of the Commission.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 291. (With Amendment): To amend Act No. 174, S. 94, Third Special Session 1971 (Acts 1971, p. 4423), regulating facilities for child care so as to further define the term day care center.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 577. To amend Section 11 of Act No. 551, S. 887, Regular Session 1975 (Acts of Alabama 1975, p. 1226), the Alabama Surface Mining Reclamation Act of 1975, an act establishing a system of regulation and control of coal surface mining and reclamation, so as to delete the current subsections c, d, and e of Section 11 and thereby remove references to distances within which the Alabama Surface Mining Reclamation Commission may regulate the detonation of explosives, and to add a new subsection c to Section 11 to give the Commission the power to adopt rules for detonating explosives.

H. 474. To authorize certain rural fire fighting units to purchase equipment through the State Forestry Commission.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 475. (With Substitute): To amend Sections 3, 4, 5 subsection (c), Section 7 subsections (a) and (c), and Section 8 of Act No. 863, 1975 Regular Session, approved October 7, 1975, which established the Alabama Firefighters' Personnel Standards and Education Commission, so as to provide further for the executive secretary and clerical assistants of the Commission, to provide that the members of this Commission shall receive per diem for each meeting plus travel expenses as provided by state travel law, to provide a quorum shall be a majority of the members, to correct reference to Section 8 to read "Section 7", to amend minimum age to 18, and to further provide a 12 months period for applicant to complete 240 hours training.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the

following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 424. To amend Title 11, Section 98, Code of Alabama 1940, relating to juror's fees so as to provide that such fees shall be termed as "expense allowance" rather than "compensation".

H. 503. To name the new National Guard Armory in Troy, Alabama the "Ralph Wyatt Adams National Guard Armory."

H. 409. Defining, regulating and providing for the licensing of employment agencies; providing for the revocation and suspension of licenses subject to appeal; requiring the Department of Industrial Relations to enforce and administer this Act and defining its powers and duties relative thereto; creating and providing for the appointment, term, and duties of an advisory board on licensing employment agencies to assist the Department of Industrial Relations in administering this Act; prescribing penalties; and repealing conflicting laws.

H. 441. To create a committee known as the "Prison Farm and Forestry Advisory Committee" to advise the Board of Corrections farm and forestry operations; providing for the membership, meetings, powers and duties of such committee; and specifically to implement certain suggestions and recommendations contained in the Prison Task Force Committee Report to the Alabama Legislature, April 29, 1976.

H. 381. To place certain restrictions on the charging of late fees by utility companies.

Mr. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 467. (With Substitute): To amend Section 37 of Title 52 of the Code of Alabama of 1940, as heretofore amended.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 102. Proposing an amendment to the Constitution of Alabama further amending Section 144, Article VI, of the Constitution of Alabama; providing for a Probate Court in each county, with general jurisdiction of orphans' business, and adoptions, and with power to grant Letters Testamentary, and of Administration and of Guardianships, and such further jurisdiction as may be provided by law.

The above bill was read a second time at length as required by the Constitution.

H. 15. To amend further Act No. 249, H. 492, Regular Session of 1967 (Acts of 1967, p. 629; now appearing in Code of Alabama, Recompiled 1958, Title 55, Section 255 (9)), so as to include the dean of Miles College Law School as an ex officio member of the council of the state law institute.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills

**REGULAR SESSION**  
**4th Day**

197

and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 266. (With Amendment): To amend, revise and reenact Act No. 1226, 1975 Regular Session (Acts 1975, p. 2562) entitled "An Act Relating to the commitment of mentally ill persons to the custody of the State Department of Mental Health; prescribing the procedures for the involuntary commitment of mentally ill persons, prescribing the duties and responsibilities of all persons and departments concerned with the commitment of mentally ill persons; providing for the rights of persons sought to be committed as mentally ill; providing for the payment of costs of proceedings for the commitment of mentally ill persons; providing for appeal to circuit court by persons committed as mentally ill; prescribing the jurisdiction of the probate court in regard to persons committed as mentally ill; providing for the transfer of mentally ill persons to facilities operated by the United States; and repealing conflicting laws," so as to further designate the institutions to which mentally ill persons may be committed, prescribing the procedures for involuntary commitment, prescribing the duties and responsibilities of all persons, agencies and departments concerning commitment of mentally ill persons, further protecting the rights of the persons sought to be committed and providing further for the appeal of commitment orders.

H. 93. (With Amendment): To amend Title 36, Section 2, Code of Alabama 1940 relative to punishment for driving while intoxicated, so as to raise the minimum fine to \$250.00.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 410. To amend Section 3 of Title 27, Code of Alabama 1940, relating to adoptions, so as to further regulate consent for adoption of a child and notice of adoption proceedings.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 408. (With Amendment): To amend Title 49, Chapter 4 of the Code of Alabama by adding thereto a new Article 6A entitled, The Interstate Compact on the Placement of Children.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 12. To amend Section 9 of Act No. 2479, H. 2083, Regular Session 1971, (Acts of 1971, p. 3958) which section prescribes prima facie evidence or fraudulent intent, by adding a definition of prima facie evidence of the identity of the maker or drawer of a worthless check.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 72 (With Substitute): To make child abuse a criminal offense in Alabama; to define the offense of child abuse; and to prescribe the penalty to be imposed on any person found guilty of such offense.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 270. Relating to bonds required of witnesses; to amend Code of Alabama of 1940, Title 15, Sections 145, 146, and 147; to repeal Code of Alabama of 1940, Title 15, Section 148; and to provide penalties for failure of a witness to appear after posting bond.

H. 95. To amend Section 7 of Act No. 159, S. 289, Regular Session of 1969 [(Acts 1969, p. 441) now appearing in Code of Alabama Recompiled 1958, Title 23, Section 78(55)], as amended, known as the "Relocation Assistance Act of 1969", so as to provide that in all highway condemnation cases, the court shall not be informed as how much, if any, money has been paid to the property owner for relocation expenses.

Mr. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 78. Relating to education; requiring all public high schools to give instruction to all students on the essentials and benefits of the free enterprise system; prescribing duties of the State Board of Education, the State Department of Education and Boards of Education of each school district; and establishing an effective date.

H. 535. Amend Section 9, Act 221, 1965 Special Session (Vol. I, pp. 228- ) to provide that a majority of the members of a local textbook committee shall be classroom teachers.

Mr. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 397. (With Amendments): To amend Section 1 through 5 of Act No. 110, H. 100 of the First Special Session of 1965 (Acts 1965, Vol. I, p. 159), which act provides for the establishment, maintenance and operation of a trade school for the prison system, so as to transfer its operation and the land, personal property and buildings to the state board of education.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 274. To amend Sections 32 and 33 of Title 18 of the Code of Alabama 1940, as amended, relating to electric cooperatives, so as to provide that such cooperatives may process, treat, sell and dispose of water and water rights; purchase, sell, lease, construct, own and operate water systems and sanitary sewer systems, supply water and sanitary

**REGULAR SESSION**  
**4th Day**

199

sewer services, to exercise the power of eminent domain, to issue notes, bonds, mortgages and other evidences of indebtedness to finance such undertakings.

Mr. Reed, Chairman of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 105. To amend Section 7 of Act No. 863, S. 441 of the 1975 Regular Session (Acts of 1975, p. 1701), which establishes the Alabama Firefighters Personnel Standards and Education Commission, so as to reduce the minimum age requirements for applicants for firefighting positions.

H. 349. To provide misdemeanor punishment, upon conviction, for the sale of any substance containing alcohol, which substance is not regulated by the Alabama Alcohol Beverage Control Board, when the seller thereof knows or reasonably suspects that such substance will be consumed by any person as a beverage.

H. 157. To provide a fair employment practices act in Alabama; to define and prohibit certain discriminatory hiring practices relating to race, sex, age, religion, creed and national origin; to require public contracts to include non-discrimination clauses; to provide for a commission known as the "fair-employment practices commission" to hear complaints of alleged discriminatory hiring practices; to provide for the powers, functions and duties of the commission; to provide for the administrative procedure of hearing and deciding upon alleged discriminatory practices; to grant certain injunctive powers in the commission to end such practices; to provide for judicial review of administrative decisions of the commission; to prescribe penalty for willfully violating an order of the commission; and to repeal conflicting laws.

Mr. Smith (J), Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 146. To propose an amendment to the Constitution of Alabama repealing "The Annual Sessions Amendment" to such Constitution and reinstating all the provisions of the Constitution governing dates and times of meetings of the legislature and lengths or duration of regular and special sessions thereof; and to make an appropriation to be used in defraying the expenses of the election on this proposed amendment.

The above bill was read a second time at length as required by the Constitution.

Mr. Cross, Chairman of the Standing Committee on Commerce and Transportation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 446. To amend the title and Sections 2 and 3 of Act No. 801, 1951 Regular Session, (being Title 36, Section 89(1), Code of Alabama 1940, Recomp. 1958), entitled "To define a 'Motor Bus' and to provide a maximum permissible length for any motor bus driven or operated upon the highways of Alabama and to repeal all laws in conflict herewith," so as to further provide for a maximum permissible width for any motor bus driven or operated upon the highways of Alabama.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 141. To prescribe and establish monetary limits payable on claims and judgments based on tort liability and filed or obtained against governmental entities; to define terms.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 8. (With Substitute): Relating to the State Ethics Act of 1973; to amend further Section 2 of Act No. 1056, S. 1, Regular Session 1973 (Acts 1973, p. 1699), so as to redefine the term "public official" by removing from the definition members of certain city and county boards, commissions, committees, authorities, or councils.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 24. To amend Section 10 of Act No. 703, H. 544 of the 1951 Regular Session (Acts, 1951, Vol. II, p. 1211) which section relates to joint appropriations by counties and incorporated municipalities for office space, maintenance and supplies necessary in administering county public welfare programs, so as to require the joint appropriations therefor on a pro rata basis according to population, except for supplies which are permissive; and to require that the state director of space management must approve the adequacy of office space.

Mr. Smith (B), Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 431. Requiring a rotation system for wreckers; prohibiting speeding, reckless driving, on-the-scene solicitation by wrecker drivers; prohibiting wreckers from going to the scene of a wreck unless called; prohibiting trooper from displaying favoritism in calling wreckers; and establishing penalties.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 235. To amend further Section 3 of Act No. 1945, H. 584, Regular Session 1971 (Acts 1971, p. 3143), as last amended, which provides for and regulates the employment of county engineers so as to provide that the county engineer in certain counties need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of the county engineer's salary.

H. 405. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Blountsville, in Blount County.

REGULAR SESSION  
4th Day

201

H. 578. Relating to Perry County; declaring guns, rifles, ammunition, other hunting equipment and motor vehicles, including motor boats or power boats, used in illegal nighttime deer hunting in the county to be contraband; and providing for the condemnation and sale thereof for the benefit of the state game and fish fund.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 487. (With Amendment): To provide salary increases for certain state employees; and to appropriate funds therefor.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 36. To amend further Section 2, Act No. 100, Second Special Session 1959, the State Sales Tax Act, so as to provide that where any used part of an automotive vehicle or a truck trailer, semitrailer or a house trailer is taken in trade as a credit or part payment on the sale of a new or rebuilt part, the sales tax shall be paid on the net difference, and to provide that this provision shall not be construed to include tires and batteries.

H. 115. To amend Section 18 of Act No. 205 enacted at the 1955 Regular Session of the Legislature of Alabama (Acts of 1955, p. 500), the Act being entitled "An Act to authorize the Governor, the Director of Finance, and the Attorney General to become a public corporation for the purpose of acquiring land from the State or otherwise upon which it shall, at a cost not to exceed four million dollars, construct, operate and maintain, or cause to be constructed, operated and maintained, an office building or buildings, the space therein to be rented to officers, agencies, boards, commissions, corporations and bureaus of the State of Alabama and of the United States; and in order to provide funds therefor, to authorize said corporation to borrow money, issue and sell its bonds and pledge its income; to authorize the filing for record of an instrument reciting the issuance of said bonds, and the creation of said pledge as a lien on said income which filing will constitute constructive notice; to authorize the conveyance to said corporation of lands owned by the State; to confer on the corporation the power of eminent domain; to provide for the lease to and by officers, agencies, boards, commissions, corporations and bureaus of the State of Alabama and of the United States of space for occupancy in said building or buildings; and to provide that any properties of the corporation and the income therefrom and any securities issued and the income therefrom and any leases made and any lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that any securities issued by the corporation may be used as security for deposits of and for investment of public funds and shall constitute negotiable instruments; to authorize publication of notice of the resolution authorizing any securities and to specify a limitation of time thereafter for actions or defenses respecting said securities or pledge; to provide for dissolution of said corporation and conveyance of its properties to the State upon payment of said securities, "so as to provide that the Authority set up by that Act shall not be dissolved until all securities issued and obligations incurred by it have been paid in full.

H. 116. To authorize Alabama Building Authority to sell and issue not exceeding \$7,000,000 principal amount of bonds for the purpose of constructing public office building facilities and altering, constructing additions to, and improving public office building facilities, and for the procurement of sites and equipment for such facilities or additions thereto; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of the bonds of the Authority; to provide that all properties of the Authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the Authority and shall not create an obligation or debt of the State; to provide that any bonds issued by the Authority may be used as security for deposits an investment of public funds and fiduciary funds; to specify the application of the proceeds of the bonds of the Authority; to provide for the construction of public office building facilities, the alteration, construction of additions to, and improvement of public office building facilities and for the equipment of such facilities or additions thereto by the Authority; to authorize the conveyance to said Authority of lands owned by the State; to create a reserve fund for the benefit of the bonds of the Authority; to authorize the Authority to pledge such revenues from its facilities which may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said revenues which filing will constitute constructive notice; to provide that the State Treasurer shall be the custodian of the funds of the Authority; to provide for the lease to and by agencies, boards, commissions, public corporations, bureaus and departments of the State of Alabama and of the United States of space for occupancy in said facilities or additions thereto; and to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said Bonds or pledge.

H. 117. To authorize Alabama Building Finance Authority to sell and issue not exceeding \$7,000,000 principal amount of bonds for the purpose of constructing public office building facilities and altering, constructing additions to, and improving public office building facilities, and for the procurement of sites and equipment for such facilities or additions thereto; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of the bonds of the Authority; to provide that all properties of the Authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the Authority and shall not create an obligation or debt of the State; to provide that any bonds issued by the Authority may be used as security for deposits and investment of public funds and fiduciary funds; to specify the application of the proceeds of the bonds of the Authority; to provide for the construction of public office building facilities, the alteration, construction of additions to, and improvement of public office building facilities and for the equipment of such facilities or additions thereto by the Authority; to authorize the conveyance to said Authority of lands owned by the State; to create a reserve fund for the benefit of the bonds of the Authority; to authorize the Authority to pledge such revenues from its facilities which may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said revenues which filing



will constitute constructive notice; to provide that the State Treasurer shall be the custodian of the funds of the Authority; to provide for the lease to and by agencies, boards, commissions, public corporations, bureaus and departments of the State of Alabama and of the United States, and to private parties of space for occupancy in said facilities or additions thereto; and to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said Bonds or pledge.

H. 118. To amend Section 25 of Act No. 658 enacted at the 1961 Regular Session of the Legislature of Alabama (Acts of 1961, p. 806), the Act being entitled "An Act to authorize the Governor, the Director of Finance, and the Attorney General to become a public corporation to be known as Alabama Building Finance Authority; to provide the procedure for incorporation, to designate the members, directors, and officers of the Authority; to prescribe the powers of the Authority, including the power to provide for the construction, reconstruction, improvement, alteration, and equipment of public office buildings and the acquisition of sites therefor, the power of eminent domain, and the power to sell and issue not exceeding \$4,000,000 principal amount of bonds for such purposes; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of the bonds of the Authority; to provide that all properties of the Authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the Authority and shall not create an obligation or debt of the State; to provide that any bonds issued by the Authority may be used as security for deposits and investment of public funds and fiduciary funds; to specify the application of the proceeds of the bonds of the Authority; to provide for the construction and equipment of buildings by the Authority; to authorize the conveyance to said Authority of lands owned by the State; to create a reserve fund for the benefit of the bonds of the Authority; to authorize the Authority to pledge such revenues from its facilities as may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said revenues which filing will constitute constructive notice; to provide that the State Treasurer shall be the custodian of the funds of the Authority; to provide for the lease to and by agencies, boards, commissions, public corporations, bureaus and departments of the State of Alabama and of the United States, and to private parties, of space for occupancy in said building or buildings; to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge; and to provide for dissolution of said Authority and conveyance of its assets and properties to the State upon payment of said bonds," so as to provide that the Authority set up by that Act shall not be dissolved until all securities issued and obligations incurred by it have been paid in full.

H. 125. To further amend Section 1 of Act No. 217, S. 23 of the 1967 First Special Session (Acts 1967, Vol. 1, p. 259), as amended, which act relates to competitive bidding and the expenditure of public funds, so as to include the Alabama state docks department in the provisions of the act which excludes them from the requirement of competitive bids where the amount is less than \$2,000.00.

H. 131. To exempt the Little Sisters of the Poor Home For the Aged, Inc. from the payment of all state, county and municipal sales and use taxes.

H. 133. To exempt the Villa Mercy, A Corporation, from the payment of all state, county and municipal sales and use taxes.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 138. (With Substitute): To exempt the Fruithurst Rescue Squad, the Cleburne County Rescue Squad and the Ranburne Rescue Squad from the payment of all state, county and municipal sales and use taxes.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 142. (With Amendment): To authorize the Alabama Court of Criminal Appeals to hire three staff attorneys and one stenographer and to pay the necessary salaries and expenses thereof, in addition to the staff presently employed by said Court.

H. 165. (With Amendment): To exempt the United Cerebral Palsy of Alabama, Inc., the Cahaba Valley Youth Farm, the Civiettes Club, Inc. of Birmingham and the Alabama Chapter of The Arthritis Foundation from the payment of all state, county and municipal sales and use taxes.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 258. To exempt the Alabama Center for Higher Education from the payment of all state, county, and municipal sales and use taxes.

H. 263. To amend Section 2 of Act 281, H. 295, Special Session, 1966 (Title 52, Section 622(5)), which is the Alabama Educational Benefits for Dependents of Blind Parents Act, so as to increase the amount of family income allowed in a family where the head of the household is blind for dependents to be eligible for educational benefits at institutions of higher learning.

H. 275. To relieve the State of Alabama Personnel Director of the duty of publishing the names and addresses of state employees, as is required by Title 55, Section 299, Code of Alabama 1940, as amended.

H. 277. To amend Act No. 582 of Regular Session, 1963 (Acts 1963, Pg. 1266), pertaining to ionizing radiation control by adding the posting of bonds, by establishing the Radiation Reclamation Fund and providing for appropriations therefrom.

H. 314. To exempt the Huntsville-Madison County Senior Center, Inc., a non-profit corporation, from the payment of all state, county and municipal sales and use taxes.

H. 338. To provide that the Administrative Director of Courts, with the approval of the Chief Justice, is authorized to appoint and employ not more than two confidential secretaries who shall serve at the pleasure

of the Chief Justice; said secretary or secretaries shall be subject to the Merit System Act only as to pay plan, and shall be assigned to assist retired justices or judges who perform active duty for the Supreme Court or one or both of the courts of appeals.

H. 416. To exempt from the payment of all state, county and municipal sales and use tax wood residue used for fuel, in order to meet the energy crisis by the most feasible ecological means.

H. 417. To transfer the LaGrange Historical Site owned by the LaGrange Historical Commission of the State of Alabama to the Alabama Historical Commission.

H. 419. To amend Title 15, Section 45, Code of Alabama, 1940 (Recompiled 1958) so as to increase the amount that can be offered as a reward for the rearrest or apprehension of certain specified individuals.

H. 420. To amend Title 15, Section 44 of the Code of Alabama, 1940, (recompiled 1958) so as to increase the amount that can be offered as a reward and also specify the crimes for which the reward can be offered.

H. 433. To amend further Code of Alabama 1940, Title 38, Section 77, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

H. 516. To amend Section 9 of Act No. 78, S. 72, 1961 Special Session (Acts of 1961, p. 1960); now appearing in Code of Alabama 1940, Recompiled 1958, Title 46, Section 64 (46), which regulates the licensing of cosmetologists, so as to shorten the time a managing cosmetologist must serve before becoming eligible to apply for a license.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 371. To amend Section 4 of Act No. 1103, S. 834, of the 1973 Regular Session (Acts 1973, Vol. III, p. 1867), which act relates to the office of clerk-secretary to each circuit judge of the Thirty-eighth Judicial Circuit, so as to further regulate the salary of said clerk-secretary; and to make the effect of its provisions retroactive to October 1, 1976.

H. 382. Relating to Clay County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of Clay County.

H. 412. Relating to county health officers or administrators in counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the 1970 or any subsequent federal decennial census, authorizing such persons to issue official death certificates; and providing penalties for violation of this Act.

H. 526. Relating to Bibb County; providing for the establishment of a consolidated and unified system of assessing and collecting taxes under one elective county official designated as "county tax assessor and collector"; prescribing the powers, duties, term of office and compensation of said official; providing for the manner of election to the new office; abolishing the offices of tax assessor and tax collector in Bibb County; repealing conflicting laws; and prescribing the effective date of this act.

H. 527. To amend Section 1 of Act No. 67, H. 11, Second Special Session 1965 (Acts Second and Third Special Sessions 1965, p. 92), fixing the compensation of election officers in Bibb County.

H. 528. To amend Section 1 of Act No. 87, H. 203, Second Special Session 1965 (Acts Second and Third Special Sessions 1965, p. 117), regulating the pay of the members of the county board of equalization of Bibb County.

H. 529. To further amend Section 1 of Act No. 258, H. 607, Regular Session 1953 (Acts 1953, p. 325) as amended, which fixes the compensation of the jury commission of Bibb County so as to provide further for the compensation of such commission.

H. 530. Relating to Bibb County; to provide for the fixing of a fee for the issuance of a pistol permit by the sheriff; and providing for the disposition and use of such fees.

H. 531. Relating to Bibb County; to levy an excise and privilege tax on the severance of coal and stone in said county; to provide for the collection, payment, and administration of such tax; to provide for the use of the proceeds of the tax for the maintenance, repair, and construction of improved roads in Bibb County.

H. 532. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Centreville, in Bibb County.

#### INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Messrs. Holley and Manley:

H. 591. To amend Section 13 of Act No. 160, H. 59, Third Special Session of 1971 (Acts 1971, p. 4408), which provided for statewide property reappraisal so as to provide further that the state and each county agency and fund receiving revenue from ad valorem taxes shall bear its pro rata share of the costs of the reappraisal program, including the costs of maintaining up to date reappraisal maps and records in the various county tax assessors' offices, on the basis of revenue received from such taxes.

State Administration.

By Mr. McNees:

H. 592. To amend further Section 64, Title 36, Code of Alabama 1940, Recompiled 1958, relating to learners' permits for drivers of motor vehicles, so as to provide that such permits for persons 16 years of age or older shall be valid for one year, and providing further for the issuance fees of such permits.

State Administration.

By Mr. Starkey:

H. 593. Relating to counties having a population of not less than 38,100 and not more than 40,500 according to the 1970 or any subsequent federal decennial census; providing for the payment of an expense allowance for the members of the county board of education of said counties.

Local Legislation No. 1.

REGULAR SESSION  
4th Day

207

By Messrs. Trammell, Crowe, Johnson, Boles, Riddick, Moore (O), McNair, Howard, Quarles, Jolly, Cooper, Sonnier, Biddle, Morris, Waggoner, Hall, Albright, Naramore, McCorquodale, Gafford, McNees, White, Coburn and Smith (B):

H. 594. To amend Section 17 of Title 52, Code of Alabama 1940, so as to include the optional teaching of the course of sign language in high schools in addition to other courses of study as may be prescribed by the state board of education.

Education.

By Mr. Trammell:

H. 595. To regulate the private detective and private security business in this state; to provide a short title; to define certain terms; to create the Alabama Board of Private Detective and Private Security Agencies; to provide for the secretary of such Board; to provide for appointments, compensation, expenses and meetings of the members of such Board; to provide for powers and duties of such Board; to provide for licenses for persons engaged in private detective and private security business; to provide for registration of employees; to provide for bonds; to provide for license and registration fees; to provide for qualifications; to provide for security on employer-employee basis; to provide for temporary employees; to provide for criminal identification through fingerprints; to provide permits for carrying firearms; to exclude the holders of such permits from certain provisions of Alabama law; to provide for arrest powers; to provide for the wearing of identifying insignia on uniforms and motor vehicles; to provide for suspension and revocation of licenses; to provide for appeals; to provide for exceptions; to provide a penalty; to provide for the application of this act; to provide an effective date; to repeal conflicting laws; and for other purposes.

Ways and Means.

By Mr. Sonnier:

H. 596. To make an appropriation from the earnings of the Alabama State Docks in Mobile for the relief of Aubry Price of Mobile.

Ways and Means.

By Mr. Folmar:

H. 597. To amend Title 26, Section 3 of the Code of Alabama, 1940, as amended, so as to provide insurance coverage for employees of the Department of Industrial Relations which would pay benefits comparable to workmen's compensation in the event of death or injury incurred in the line and scope of employment; to eliminate subsections (2) and (3) which were repealed by Acts 1943, p. 259, approved June 29, 1943, and to renumber remaining subsections.

Ways and Means.

By Mr. Folmar:

H. 598. To amend Act No. 1142, Regular Session of 1971 which relates to status as peace officers and police powers of certain employees of the Department of Industrial Relations.

Ways and Means.

By Mr. Folmar:

H. 599. To amend Section 8, Title 26, Chapter 1, Code of Alabama 1940, as last amended, which relates to the Board of Appeals for the State of Alabama, Department of Industrial Relations.

Ways and Means.

By Mr. Folmar:

H. 600. To amend Section 185, subsections A, B, C, D, E, G, H, K, L, M, and N of Section 186, Section 191, subsections D, E and F of Section 201, paragraph (1) of subsection A and paragraph (3) of subsection C, and paragraph (4) of subsection G of Section 204, subsection B of Section 205, Section 209, Section 224, Section 225, and Section 251, Title 26, Chapter 4, Code of Alabama 1940, as last amended.

Ways and Means.

By Messrs. Lewis and Wyatt:

H. 601. To propose an amendment to the Constitution empowering the legislature to enact legislation providing for registration of electors by mail.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Smith (M), Higginbotham, Morris and Turnham (With Notice and Proof):

H. 602. Relating to Chambers County: to provide the Chambers County Commission with authority to employ appraisers, mappers, clerical personnel and other personnel to maintain current evaluation of all real property and valuation of personal property.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 602, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Boles:

H. 603. To amend Section 10 of Act No. 662, H. 991, 1951 Regular Session (Acts 1951, p. 1132), which Act levies a tax on the sale or storage of malt or brewed beverages in counties with populations of 400,000 or more, so as to provide that the portion of the proceeds of said tax which is distributed to the county board of education will be divided pro rata among the school districts of the county.

Local Legislation No. 2.

By Mr. Boles:

H. 604. Relating to counties having populations of 600,000 or more; to require that the proceeds of any ad valorem tax levied for the support of public education in such counties shall be distributed pro rata to the several school districts therein on the basis of student population.

Local Legislation No. 2.

By Mr. Wyatt:

H. 605. Relating to all counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 or any subsequent federal decennial census; fixing the total compensation, including expense allowances, for the probate judges in such counties, payable out of the general fund of such counties.

Local Legislation No. 4.

By Messrs. Boles, Albright, Starkey, Goodwin and Williams:

H. 606. Relating to state, county and municipal retirement systems; to prescribe procedure whereby all past, present and future members of the legislature shall be entitled to claim a certain amount of their legislative service time in establishing a base under such systems.

Ways and Means.

By Messrs. Harris and Barron:

H. 607. To exempt the South Alabama State Fair Association, a non-profit corporation, from the payment of all state, county, and municipal sales taxes levied upon admission tickets sold by the Association for its South Alabama State Fair.

Ways and Means.

By Mr. Lutz:

H. 608. To amend Section 30 of Title 8, Code of Alabama, 1940, pertaining to forms of acknowledgment of conveyance, so as to provide a form for the acknowledgment of a conveyance by a partnership.

Judiciary.

By Mr. Plaster:

H. 609. To further amend Sections 1 and 3 of Act No. 470, S. 182, 1969 Regular Session (Acts 1969, p. 912—now appearing in Code of Alabama Recompiled 1958, Title 55, Section 488(1) and 488(3)), as amended, which Act relates to various expense allowances for state employees so as to provide for increases in mileage allowances for such employees.

Ways and Means.

By Mr. Gafford:

H. 610. To provide that all state, city and county employees who have served at least ten years may, upon retirement elect to become supernumeraries in the position they served in at the time of retirement.

Ways and Means.

By Messrs. Owens and Smith (C):

H. 611. To amend Section 343 of Title 55, Code of Alabama 1940, Recompiled 1958, as amended, to provide for an increase in the awarding authority of the State Board of Adjustment.

Ways and Means.

By Messrs. Kinsey, Crowe, Glass, Clark, Robertson, Naramore, Waggoner, Holmes (A) and Leonard:

H. 612. To provide for the expanded coverage of the surviving spouse of a member of the Employees' Retirement System of Alabama employed as a state policeman upon the death of such member prior to retirement; to provide monthly benefits to the surviving spouse and dependent children of such state policeman; and to provide for necessary allocation of funds from the Employees' Retirement System, and to provide for exceptions for those state policemen with over twenty-five (25) years of service.

Ways and Means.

By Mr. Turnham:

H. 613. To regulate the practice of counselors in Alabama; to create a Board of Examiners in Counseling; to prescribe the duties and powers of said Board; to provide for the examination and licensure of

counselors and the examination and certification of counselor associates; to fix penalties for the violation of this Act; to impose licensure and certification fees and to provide for the use of funds received.

Education.

By Mr. Holmes (A):

H. 614. To make an appropriation from the general fund of the state treasury for the relief of Clarence Norris the last known "Scottsboro defendant".

Judiciary.

By Mr. Boles:

H. 615. Relating to all counties in this state having a population of 600,000 or more inhabitants according to the 1970 or any subsequent federal decennial census; to provide that under certain conditions the county governing body of such counties may at its discretion halt certain surface mining operations in such counties when the state Surface Mining Reclamation Commission has failed to act within a certain period of time on a grievance or complaint citing such mining operations as abusive or unlawful.

Local Legislation No. 2.

By Mr. Boles:

H. 616. To regulate further the qualifications and election of members of the county boards of education in all counties having a population of 500,000 or more inhabitants according to the most recent federal decennial census, providing that such members shall reside outside the corporate limits of any city in such counties having a city board of education and shall be elected by the qualified electors of such counties who live outside the corporate limits of any such city and the the electors of any such city shall not have a right to vote for members of such county boards.

Local Legislation No. 2.

By Messrs. Higginbotham, Turnham and Whatley:

H. 617. To provide for the compensation of the chairman and members of the Waterworks Boards of any city having a population of not less than 18,250 nor more than 19,250 inhabitants according to the most recent or any subsequent federal decennial census; and to make the provisions of this act retroactive to October 1, 1976.

Local Legislation No. 1.

By Mr. Higginbotham:

H. 618. To further amend Section 2 of Act No. 1056, S. 1, Regular Session of the Legislature of 1973, as amended, referred to as "The State Ethics Act," by rewriting subsection (k) of said Section 2, to redefine the term "public official" so as to eliminate from said definition certain members serving without compensation on municipal and county boards.

State Administration.

By Mr. Armstrong:

H. 619. To amend Section 1 of Act No. 1101, S. 72, Regular Session, 1969 (Acts 1969, p. 2037) to allow a teacher to be paid twenty-five dollars per day for any accumulated sick leave upon the teacher's retirement or departure from the county school system.

Ways and Means.



By Mr. Holmes (D):

H. 620. To amend further Sections 1, 9, 14 and 16 of Act No. 78, S. 72, Special Session 1961 [Acts 1961, p. 1955; now appearing in Code of Alabama, Recompiled 1958, Title 46, Sections 64(38), 64(46), 64(51) and 64(53)], an act regulating the teaching and practice of cosmetology in any county having a population of less than 600,000, according to the last federal decennial census and creating a State Board of Cosmetology, so as to regulate further such teaching and practices and the registration and license fees.

State Administration.

By Mr. Cross:

H. 621. To further amend Title 8, Section 86, Code of Alabama 1940, as amended, so as to provide further for the nighttime hunting of raccoons and opossums.

Conservation.

By Mrs. Quarles:

H. 622. To exempt persons 65 years of age or older from the payment of certain admission, attendance, or use fees in Alabama state parks.

Ways and Means.

By Messrs. Killian and Mitchem:

H. 623. Relating to counties having a population of not less than 41,750 nor more than 45,000 according to the 1970 or any subsequent federal decennial census; providing that any three municipalities under the purview of this act may jointly form a board of water and sewer commissioners under the provisions of Act No. 775, S. 274, 1951 Regular Session, as amended [Acts of 1951, p. 1359; now appearing in Code of Alabama, Recompiled 1958, Title 37, Sections 402(28)-402(46)] and to further provide that such municipalities may alter the membership and organization of the board.

Local Legislation No. 1.

By Messrs. Plaster, Smith (C) and Robertson:

H. 624. To permit the deduction by resident taxpayers from their adjusted gross income as computed for state income tax purposes of the total cost of installation for conversion from gas or electricity to wood as the primary energy source for heating their individual domestic homes.

Ways and Means.

By Mr. Smith (J):

H. 625. To create a council to be called the "Alabama Plant Industry Council," which shall advise, study, counsel and consult with the Department of Agriculture and Industries concerning plant industries and horticultural business in this state; to provide for the membership, terms of office, powers, duties, meetings and per diem and travel expenses of Council members; to provide that the Director of the Division of Plant Industries of the Department of Agriculture and Industries shall act as secretary of the Council, requiring certain duties to be performed by said Director, and to repeal conflicting laws.

Agriculture.

By Mr. Manley and Hines:

H. 626. Relating to hospitalization of mentally ill persons; defining terms; providing for specified civil, legal and treatment rights

of patients; prescribing the duties and responsibilities of persons and agencies concerned with the admission and treatment of mentally ill persons; prescribing the quality of care and treatment of patients; and repealing conflicting laws.

Judiciary.

By Mr. Manley and Hines:

H. 627. To amend Sections 7, 8 and 10 of Act No. 1226, 1975 Regular Session, (Acts of 1975, p. 2562) entitled "An Act Relating to the commitment of mentally ill persons to the custody of the State Department of Mental Health; prescribing the procedures for the involuntary commitment of mentally ill persons, prescribing the duties and responsibilities of all persons and departments concerned with the commitment of mentally ill persons; providing for the rights of persons sought to be committed as mentally ill; providing for the payment of costs of proceedings for the commitment of mentally ill persons; providing for appeal to circuit court by persons committed as mentally ill; prescribing the jurisdiction of the probate court in regard to persons committed as mentally ill; providing for the transfer of mentally ill persons to facilities operated by the United States; and repealing conflicting laws, "so as to further provide for notice to the Department of Mental Health and obligatory acceptance of persons committed; to provide probable cause hearings shall be included as hearings conducted by the probate judge in relation to a petition to commit any person to the custody of the State Department of Mental Health, with the same rules applying in such hearings; to provide that evidence required for commitment to be clear, unequivocal and convincing; to provide that commitment be the least restrictive alternative necessary and available for treatment of the person's mental illness. It provides that if treatment for the individual's mental illness becomes available, it should be made available to him immediately.

Judiciary.

### RESOLUTIONS

The following resolutions were introduced:

By Mr. White:

H. R. 52. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when the House adjourns today it will adjourn to meet again on Tuesday, February 15, 1977, at 1:00 p.m.

### MOTION TO SUSPEND RULES AND ADOPT

Mr. White offered the motion to suspend the rules and adopt the resolution, H. R. 52.

### AMENDMENT OFFERED

Mr. Riddick offered the following amendment to the resolution, H. R. 52:

Amend the resolution, H. R. 52, to read 11:00 o'clock a.m.

### AMENDMENT TABLED

On motion of Mr. Lutz, the amendment offered by Mr. Riddick to the resolution, H. R. 52, was tabled.

Yeas 44; Nays 24.

Yeas:

Mr. Speaker, Buskey, Carothers, Cates, Coburn, Cooper, Crowe, Dial, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Hines, Holmes (D),

REGULAR SESSION  
4th Day

213

Hopping, Jackson (F), Kelley, Kennedy, Lee, Lutz, McCulley, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Rich, Roberts, Sasser, Smith (J), Smith (M), Venable, Waggoner, Warren, Weeks, White and Williams.

—44

*Nays:*

Messrs.: Barron, Boles, Brindley, Campbell, Hall, Harris, Hill, Hilliard, Holley, Johnson, Kinsey, Leonard, Lewis, Lockett, McNair, Martin, Naramore, Porter, Riddick, Smith (B), Smith (C), Tucker, Whatley and Wyatt.

—24

MOTION TO SUSPEND RULES AND ADOPT LOST

The question was then on the motion offered by Mr. White to suspend the rules and adopt the resolution, H. R. 52, and the motion was lost, lacking a four-fifths vote.

Yeas 60; Nays 20.

*Yeas:*

Mr. Speaker, Baker, Biddle, Buskey, Carothers, Cates, Coburn, Cooper, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Harris, Hines, Holley, Holmes (D), Hopping, Jackson (F), Jackson (R), Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Reed, Rich, Roberts, Sasser, Shelton, Smith (J), Smith (M), Sonnier, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White and Williams.

—60

*Nays:*

Messrs.: Barron, Boles, Brindley, Campbell, Greer, Hall, Hill, Hilliard, Howard, Johnson, Leonard, Lewis, Martin, Naramore, Porter, Riddick, Smith (C), Tucker, Whatley and Wyatt.

—20

The resolution, H. R. 52, was read and referred to the Standing Committee on Rules.

*Also:*

By Messrs.: Dial and McNees:

H. J. R. 53. NAMING THE HIGHWAY 49 BRIDGE IN CLAY COUNTY "THE HENRY DAVID RILEY BRIDGE."

WHEREAS, Henry David Riley, the eldest son of eleven children, was a member of one of the pioneer families of Clay County; and

WHEREAS, Mr. Riley worked tirelessly in various occupations: Farming, construction, saw milling, and later opened his own grocery store, believing emphatically in the old-fashioned virtues of thrift, hard work, discipline, God and country; and

WHEREAS, the people of Clay County wish to honor Mr. Riley, a man whose generosity, respect and empathy for his fellow man endeared him to everyone who knew him, and whose untimely death in 1962 grieved all of Clay County; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wish to memorialize this

outstanding citizen of Clay County and do hereby resolve that the Highway 49 Bridge in Clay County be named "The Henry David Riley Bridge."

RESOLVED FURTHER, That the highway director shall, as soon as possible, provide and erect signs so designating the newly-named bridge.

On motion of Mr. Dial, the rules were suspended and the resolution, H. J. R. 53, was adopted.

Also:

By Mr. Roberts:

H. J. R. 54. URGING THE CONGRESS OF THE UNITED STATES TO DEREGULATE NATURAL GAS PRICES.

WHEREAS, natural gas is an irreplaceable natural resource of limited quantities; and

WHEREAS, severe gas shortages during recent periods of low temperatures have confirmed, as natural gas experts have predicted, that our available supplies of natural gas are inadequate to meet our present and future gas needs; and

WHEREAS, the regulation and artificially low prices set by the government for interstate natural gas consumption have proven unworkable in providing for the natural gas needs of our country; and

WHEREAS, the current shortages of natural gas have resulted in the closure of businesses, industries and schools and in the loss of employment and income to millions of Americans, and are affecting adversely the national economy and creating unemployment; and

WHEREAS, a free competitive market for natural gas will ensure both the maximum production and the most efficient use of natural gas; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in furtherance of its duty to provide for the well-being of its citizens and in the belief that the well-being of all persons will be promoted, the said legislature hereby requests and strongly urges the Congress of the United States to enact appropriate legislation deregulating natural gas prices in this country.

BE IT FURTHER RESOLVED, That the Legislature of Alabama hereby requests all citizens of this state immediately to undertake a maximum effort to reduce natural gas consumption without jeopardizing health or welfare.

#### MOTION TO SUSPEND RULES AND ADOPT LOST

The motion offered by Mr. Roberts to suspend the rules and adopt the resolution lost.

Yeas 23; Nays 23.

Yeas:

Mr. Speaker, Albright, Armstrong, Biddle, Brindley, Carothers, Carter, Cross, Crowe, Dial, Gafford, Glass, Goodwin, Johnson, McCulley, Martin, Moore (O), Roberts, Robertson, Sonnier, Warren, Whatley and White.

*Nays:*

Messrs.: Barron, Boles, Buskey, Cates, Cooper, Hall, Hilliard, Holley, Hopping, Howard, Jackson (R), Killian, Leonard, Lewis, Lockett, Pegues, Porter, Quarles, Smith (J), Smith (M), Trammell, Tucker and Wyatt.

—23

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The resolution, H. J. R. 54, was read and referred to the Standing Committee on Rules.

RESOLUTIONS

The following resolutions introduced on the third legislative day were read by title pursuant to Joint Rule 11:

H. J. R. 42. COMMENDING AND PRAISING THE ADDISON HIGH SCHOOL FOOTBALL TEAM FOR WINNING THE 1976 STATE 1A CHAMPIONSHIP.

H. J. R. 43. RECOGNIZING AND COMMENDING THE HONORABLE JOHN BUNYAN TOLAND ON HIS COMPLETION OF SIX YEARS OF OUTSTANDING AND DEDICATED PUBLIC SERVICE.

H. J. R. 44. CONGRATULATING MRS. JANICE PROCTOR UPON BEING NAMED 1976 CITIZEN OF THE YEAR FOR TALLADEGA COUNTY.

H. J. R. 48. COMMENDING AND CONGRATULATING THE ELMORE COUNTY HIGH SCHOOL FOOTBALL TEAM FOR WINNING THE STATE 2A FOOTBALL CHAMPIONSHIP.

H. J. R. 49. MOURNING THE DEATH OF JOHN EDWARD O'BRIEN OF TALLASSEE.

On motion of Mr. Owens, the resolutions were adopted en masse.

MESSAGE FROM THE SENATE

*Mr. Speaker:*

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 13. COMMENDING DR. M. C. CLEVELAND, SR., FOR HIS MANY ENDEAVORS AND ACCOMPLISHMENTS IN RELIGIOUS AND EDUCATIONAL FIELDS.

*Also:*

H. J. R. 12. COMMENDING DR. S. RICHARDSON HILL, JR., UPON BEING NAMED PRESIDENT OF THE UNIVERSITY OF ALABAMA IN BIRMINGHAM.

McDOWELL LEE,  
Secretary.

H. 471 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 471, from the Standing Committee on State Administration to the Standing Committee on Conservation.

## H. 470 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 470, from the Standing Committee on Health to the Standing Committee on Local Legislation No. 1.

## RESOLUTIONS

The following resolutions were introduced:

By Messrs. Albright, Smith (B), Riddick, Lutz, Starkey, McNees, Naramore, Weeks, Moore (W), Sasser and Turnham:

**H. J. R. 55. MOURNING THE DEATH OF ESLEY MULLENAX FLANAGAN.**

WHEREAS, the Alabama Legislature has noted with deep regret the passing of Esley Mullenax Flanagan of Paint Rock, Alabama, on January 20, 1977; and

WHEREAS, Mrs. Flanagan dedicated a long and useful lifetime of community service to the enrichment of the educational and religious affairs of Paint Rock, Alabama, exhibiting always those admirable traits of honesty, pride, a sense of humor and wit; and

WHEREAS, "Miss Esley," as she was called by her students, retired on June 1, 1965, after 42 years of teaching, having extended her influence from the school room to her home, where generations of students congregated and never knew there was a "generation gap"; and

WHEREAS, Miss Esley was a dedicated family woman and the justifiably proud mother of four fine children: B. J. Flanagan, Faye C. Heath, Jane E. Taylor and James M. Flanagan; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we deeply regret the death of Esley Mullenax Flanagan and express our deep and sincere sympathy to her family and friends to whom copies of this resolution shall be sent.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 55, on the Clerk's desk for one legislative day.

Also:

By Mr. Smith (B):

**H. R. 56. Be It Resolved By The House Of Representatives,** That any matter may, by a vote of majority of the members present, be made the special order for any hour, which shall take precedence at that hour of any other business except a motion to reconsider. Provided, That a motion to make a bill or resolution a special order shall give the number of the bill or resolution. And provided further, That no bill or resolution shall be set for a special order or consideration except by a resolution reported from the Committee on Rules, and provided further, That any special order calendar must be printed and distributed to all members by placing it in their box at the rear of the house chamber one legislative day before the special order calendar is to be effective.

**MOTION TO SUSPEND RULES AND ADOPT**

Mr. Smith (B) offered the motion to suspend the rules and adopt the resolution, H. R. 56.

REGULAR SESSION  
4th Day

217

H. R. 56 POSTPONED

On motion of Mr. Gafford, the resolution, H. R. 56, was postponed to the ninth legislative day.

Yeas 44; Nays 34.

*Yeas:*

Mr. Speaker, Armstrong, Biddle, Carothers, Carter, Cates, Coburn, Cooper, Crowe, Dial, Drake, Edwards, Folmar, Gafford, Glass, Goodwin, Harris, Higginbotham, Holmes (D), Killian, Kinsey, McCluskey, McCulley, McMillan, McNees, Manley, Merrill, Moore (W), Morris, Owens, Pegues, Reed, Rich, Robertson, Sandusky, Sasser, Smith (C), Smith (M), Turnham, Venable, Waggoner, Warren, White and Williams.

—44

*Nays:*

Messrs.: Albright, Barron, Boles, Buskey, Campbell, Greer, Hall, Hill, Hilliard, Holley, Holmes (A), Hopping, Howard, Jackson (R), Johnson, Jolly, Lee, Leonard, Lewis, Lockett, Lutz, McNair, Martin, Naramore, Porter, Quarles, Riddick, Roberts, Smith (B), Smith (J), Starkey, Tucker, Whatley and Wyatt.

—34

BILLS ON THIRD READING

And the bill:

H. 114. To permit any city in the State of Alabama having a population of not less than 23,000 nor more than 27,000 inhabitants according to the 1970 or any subsequent federal decennial census to adopt the council-manager form of municipal government, to provide for the calling and holding of elections to vote thereon, to provide for the election and term of the first council, to define the legal status, form of government and powers of the city, to provide for subsequent elections of members of the council, their number and their terms of office, to provide for the qualification, powers and authority of the council, the mayor and the city clerk, and for the election of the mayor and city clerk, to provide for the appointment and removal and to define the powers of the city manager, to provide for an annual budget, its preparation, submission, adoption and effect, to create and define the powers and duties of a department of finance and of the director thereof, to regulate purchases and contracts of the city, and to define their powers and authority, to set up the terms and effects of succession in government of any city adopting the council-manager form of government, to provide for the establishment and re-establishment of districts, to make various other provisions for such form of government of any such city, and to provide for the means of abandoning the council-manager form of government.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Baker, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Hall, Harris, Hilliard, Holmes (D), Hopping, Howard, Jackson (R), Kelley, Killian, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill,

Moore (W), Morris, Owens, Pegues, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sasser, Shelton, Smith (C), Smith (J), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—64

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. McMillan:

S. J. R. 17. Condemning the U.S.S.R. for its refusal to adhere to the terms of the 1973 United Nations Declaration of Human Rights and the 1975 Conference on European Security and Cooperation.

Also:

By Messrs. McMillan, Pearson, Bank and Fine:

S. J. R. 18. Mourning the death of Wilmer S. Poynor, Jr.

Also:

By Messrs. Bank, Shelby, Gilmore, Peden, and Powell:

S. J. R. 19. Commending Joe Sewell on being elected to the Baseball Hall of Fame.

Also:

By Messrs. Fine and Jones:

S. J. R. 21. Wishing Karen Lewis a happy birthday.

Also:

By Messrs. McDonald (A), Peden, McDonald (S), Noonan, St. John, Roberts, McMillan, King, Little, Baker, Vacca, Mitchell and Perloff:

S. J. R. 22. Joining the Alabama Democratic Congressional Delegation in recommending and urging the appointment of Mr. Charles R. Mitchell to fill the vacancy currently existing on the Board of Directors of The Tennessee Valley Authority.

Also:

By Messrs. Edwards, Fine, Peden and King:

S. J. R. 23. Commending Clete Quick for his outstanding contributions to the North Alabama Legislative Council.

McDOWELL LEE,  
Secretary.

## SENATE MESSAGE

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolutions, S. J. R. 17, S. J. R. 18, S. J. R. 19, S. J. R. 21 and S. J. R. 23, on the Clerk's desk for one legislative day.

## SENATE MESSAGE

On motion of Mr. Coburn, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 22, the title of which is set out in the above and foregoing Message from the Senate.



MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. Edwards:

S. J. R. 235. COMMENDING AND PRAISING JERRY BOYD, TERRY SPAIN, BEVERLY BASHAM AND JIM RANKIN.

Also:

By Mr. Edwards:

S. J. R. 236. COMMENDING AND PRAISING JIM ROMBOKAS AND GARY WHITLOW FOR BRAVERY.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolutions, S. J. R. 235 and S. J. R. 236, on the Clerk's desk for one legislative day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Owen:

S. 155. To provide that the State of Alabama shall reimburse from amounts appropriated herein the counties of Alabama for expenses incurred in the housing, clothing, guarding, incidental and medical care of state prisoners incarcerated in county jails. To provide a supplemental appropriation of \$3,000,000.00 from the state general fund for the reimbursement of counties for such expenses and to authorize the State Board of Corrections to adopt administrative procedures for the reimbursement of such counties.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 155. Ways and Means.

NOTICE IN WRITING

Mr. Shelton filed the following Notice in Writing:

Notice is hereby given in accordance with the House Rules that on the next legislative day a motion will be made to amend House Rule 43 as follows:

Rule 43. The following shall constitute the standing committees of the House:

- (1) Rules
- (2) Ways and Means

- ( 3 ) Judiciary
- ( 4 ) State Administration
- ( 5 ) Business and Labor
- ( 6 ) Health
- ( 7 ) Banking
- ( 8 ) Insurance
- ( 9 ) Education
- (10) Agriculture
- (11) Conservation
- (12) Public Welfare
- (13) Constitution and Elections
- (14) Commerce and Transportation
- (15) Local Government
- (16) Military Affairs
- (17) Highway Safety
- (18) Local Legislation No. 1
- (19) Local Legislation No. 2
- (20) Local Legislation No. 3
- (21) Local Legislation No. 4
- (22) Local Legislation No. 5 (which shall be composed of the Calhoun County Delegation)
- (23) Intergovernmental Cooperation

## BILLS ON THIRD READING RESUMED

And the bill:

H. 203. To authorize the Blount County governing body to levy and collect, in addition to all other taxes heretofore imposed by law, a county excise and privilege tax on every person severing coal within the county; to provide that the proceeds collected therefrom be deposited in the county treasury designated for county roads; to prohibit the expenditure of such funds for bonded indebtedness or road equipment of any nature; to authorize the county governing body to inspect the books of each person severing coal and to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this act; and to prescribe penalties for the violations of the provisions of this act.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 60; Nays 1.

Yeas:

Mr. Speaker, Baker, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Jackson (F), Jolly, Kelley, Killian, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Porter, Rich, Roberts, Robertson, Sasser, Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—60

Nay: Mr. Hilliard.

—1

And the bill:

H. 265. Relating to Dallas County; declaring guns, rifles, ammunition, other hunting equipment and motor vehicles, including motor boats or power boats, used in illegal nighttime deer hunting in the county to be contraband; and providing for the condemnation and sale thereof for the benefit of the state game and fish fund.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Baker, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Hall, Harris, Higginbotham, Hilliard, Holley, Hopping, Jackson (F), Jackson (R), Kelley, Kennedy, Killian, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Robertson, Sasser, Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—66

And the bill:

H. 300. Amending Section 1 of Act No. 16, H. 17 of the 1975 Second Special Session (Acts 1975, Vol. I, p. 127), relating to all counties having populations of not less than 26,725 nor more than 27,250 inhabitants according to the 1970 or any subsequent federal decennial census; providing for clerical assistance of the tax assessor and tax collector in such counties, so as to provide that any cost of living increase for county employees automatically shall be applicable to them, retroactively to October 1, 1975.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Baker, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Higginbotham, Hilliard, Holley, Holmes (D), Hopping, Jackson (F), Jolly, Kelley, Killian, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Naramore, Owens, Pegues, Plaster, Porter, Rich, Roberts, Robertson, Sasser, Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—62

And the bill:

H. 393. To permit any bank, having its principal place of business in Repton, Alabama to establish, maintain, and operate, within the limits or boundaries of Conecuh County, a branch or additional office or place of business, subject to the approval of the state superintendent of banks.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Baker, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crowe, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Hilliard, Holley, Holmes (D), Jackson (F), Jolly, Kelley, Killian, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Reed, Rich, Roberts, Robertson, Sasser, Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—62

And the bill:

H. 398. Relating to Coosa County; authorizing the levy of a tax on the sale and distribution of malt or brewed beverages; providing for the collection of such tax; and allowing the confiscation of such beverages on which such tax has not been paid.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Baker, Biddle, Buskey, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Dial, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Higginbotham, Hilliard, Holmes (D), Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Merrill, Mitchem, Owens, Pegues, Plaster, Porter, Reed, Rich, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—59

And the bill:

H. 139. To provide for and authorize the incorporation of a public corporation as a political subdivision of the state to be named Buttahatchee River Development Authority, for the development of the Buttahatchee River, its tributaries and watershed, for the purposes of navigation, water conservation and supply, flood control, irrigation, industrial development, public recreation and related purposes; to provide for the composition of the board of directors of the Authority; to specify the powers and duties of the Authority and its board of directors; to authorize the Authority to investigate the resources of the Buttahatchee River watershed, to determine requirements for its full development and control, and to carry out a unified comprehensive program of resource development, together with other powers to effectuate the foregoing objective; to authorize the Authority to acquire land and interests in land by purchase, construction, lease, condemnation or otherwise, and to hold, manage and sell such land and interests therein; to make provisions respecting the establishment and revision of rates, fees and charges for services rendered by the Authority; to provide for the issuance by the Authority for any of its corporate purposes of interest-bearing revenue bonds and notes payable solely out of the revenues of the Authority or out of the revenues of any particular facilities and other property of the Authority, without regard to the

specific facilities and other property with respect to which such bonds and notes may have been issued; to provide that such bonds and notes shall constitute negotiable instruments; to provide that such bonds and notes may be secured by a pledge of the revenues from which they are payable, by contracts binding the Authority for the proper application of its revenues and the proceeds of such bonds and notes and by a non-foreclosable mortgage or deed of trust or statutory mortgage lien on the facilities and other property out of the revenues from which such bonds and notes are payable, and to provide that bonds and notes of the Authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by the Authority of obligations respecting facilities and other property acquired by the Authority; to provide for the use of the proceeds of bonds and notes issued by the Authority; to provide for the refunding, by the issuance of bonds and notes of the Authority, of bonds and notes therefore issued or obligations theretofore assumed by it; to provide that bonds and notes issued and contracts entered into by the Authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or other political subdivision of the state; to authorize Marion and Lamar Counties and the municipalities located therein to contribute money to the Authority, without the necessity of an election and with or without consideration therefor; to exempt from all taxation in this state, the Authority, its property, corporate activities, income, revenues, bonds and notes, the income from its bonds and notes, and conveyances, leases and mortgages and deeds of trust to which the Authority is a party, and to exempt the Authority from payment of certain charges to Judges of Probate; to provide that the Authority shall be exempted from regulation and supervision by the Public Service Commission and the State Department of Finance; to provide for the use of public roads in the state by the Authority; and to provide for certain annual reports by the Authority.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

*Yeas:*

Mr. Speaker, Baker, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Higginbotham, Hilliard, Holley, Holmes (D), Hopping, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (J), Smith (M), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—83

And the bill:

H. 289. To amend Title 51, Section 17, Code of Alabama 1940, as amended, which provides rates of assessment for ad valorem taxation for the several counties, so as to include Sumter and Choctaw Counties in the table of counties having special rates in subsection (5) of said Section 17.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Baker, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Higginbotham, Hilliard, Holley, Holmes (D), Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Reed, Rich, Roberts, Robertson, Sasser, Shelton, Smith (J), Smith (M), Sonnier, Starkey, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

—69

And the bill:

H. 292. Proposing an amendment to the Constitution of Alabama relative to the Buttahatchee River Watershed Area.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Baker, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Higginbotham, Hilliard, Holley, Holmes (D), Hopping, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—77

And the bill:

H. 85. To authorize the legislature of the State of Alabama to control the usage of certain parking spaces on certain streets immediately adjacent to the capitol grounds in the City of Montgomery; and to direct the Chief of Services of the Division of Services to work in cooperation with the legislature as herein provided.

Was taken up.

#### AMENDMENT OFFERED

Mr. Venable offered the following amendment No. 1 to the bill, H. 85:

Amend H. B. 85 by substituting a "period" for the "comma" after the word "Avenue" on line 29, and striking the rest of line 29 and all of line 30.

REGULAR SESSION  
4th Day

225

AMENDMENT TABLED

On motion of Mr. Gafford, the amendment No. 1 offered by Mr. Venable to the bill, H. 85, was tabled.

Yeas 78; Nays 7.

*Yeas:*

Mr. Speaker, Armstrong, Baker, Biddle, Brindley, Buskey, Carothers, Carter, Clark, Coburn, Cooper, Cross, Crowe, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Higginbotham, Hill, Hilliard, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Trammell, Turnham, Waggoner, Warren, Weeks, Whatley, White and Williams.

—78

*Nays:*

Messrs.: Barron, Campbell, Harris, Howard, Plaster, Venable and Wyatt.

—7

AMENDMENT OFFERED

Mr. Venable offered the following amendment No. 2 to the bill, H. 85:

Amend the synopsis by removing the "period" and adding the words "and other areas." Further amend the bill on line 20 by removing the semi-colon after the word "Montgomery" and adding the words "and other cities."

Further amend H. B. 85 by removing the "period" at the end of line 30 and add the following language:

" , and in the City of Birmingham the west side of 21st Street between 7th and 8th North, and in the City of Mobile the west side of South Royal Street adjacent to the Mobile County Courthouse, and in the City of Huntsville sufficient priority parking space in the County Parking facility to accommodate the Legislature."

AMENDMENT TABLED

On motion of Mr. Gafford, the amendment No. 2 offered by Mr. Venable to the bill, H. 85, was tabled.

Yeas 72; Nays 8.

*Yeas:*

Mr. Speaker, Armstrong, Baker, Biddle, Buskey, Carothers, Carter, Clark, Coburn, Cooper, Cross, Crowe, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Porter, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B),

Smith (C), Smith (M), Sonnier, Starkey, Trammell, Turnham, Waggoner, Warren, Whatley, White and Williams.

—72

*Nays:*

Messrs. Barron, Dial, Hilliard, Morris, Plaster, Quarles, Venable and Wyatt.

—8

And the bill, H. 85, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 6.

*Yeas:*

Mr. Speaker, Armstrong, Baker, Biddle, Boles, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Higginbotham, Hill, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lutz, McCluskey, McCulley, McNair, McNeese, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Trammell, Turnham, Waggoner, Warren, Whatley, White and Williams.

—79

*Nays:* Messrs.: Barron, Harris, Hilliard, Plaster, Venable and Wyatt.

—6

And the bill:

H. 126. To require a notification procedure for the issuance by counties, cities, towns, municipalities and public corporations of industrial revenue bonds under Act No. 178 enacted at the 1961 Extra Session of the Alabama Legislature (1961 Acts, p. 2147, et seq.), as amended (relating to industrial revenue bonds to be issued by counties), Act No. 756, enacted at the 1951 Regular Session of the Alabama Legislature (1951 Acts, p. 1307, et seq.) as amended (relating to industrial revenue bonds to be issued by municipalities), Act No. 648, enacted at the 1949 Regular Session of the Alabama Legislature (1949 Acts, p. 991, et seq.) as amended (relating to industrial revenue bonds to be issued by industrial development boards), Act No. 516, enacted at the 1955 Regular Session of the Alabama Legislature (1955 Acts, p. 1160, et seq.) as amended (relating to industrial revenue bonds to be issued by medical clinic boards), Act No. 4, enacted at the 1956 Second Special Session of the Alabama Legislature (1956 Acts, p. 240, et seq.), as amended (relating to industrial revenue bonds to be issued by certain municipalities to finance hotel and motel projects), Act No. 337 enacted at the 1971 Third Extra Session of the Alabama Legislature (1971 Acts, p. 4625, et seq.) (relating to industrial revenue bonds to be issued by certain municipalities to finance hotels and motels projects), to provide, in addition to their present functions and duties, the functions and duties of the Alabama Securities Commission and its Director (established under Act No. 740 enacted at the 1969 Regular Session of the Alabama Legislature, Acts of 1969, p. 1316, et seq. with respect to such industrial revenue bonds, to establish and provide for the membership, functions and duties of the State Industrial Revenue Bond Advisory Council; to authorize the issuance of stop orders by the Alabama Securities Commission and/or the Director delaying or prohibiting the issuance of in-



dustrial revenue bonds; to provide for certificates of notification by the Director, the effect of such certificate, and a remedy for failure or refusal of the Director to issue such certificates; to provide for the assessment of filing fees by the Securities Commission; to provide criminal penalties for willful violations of this act or stop orders issued thereunder; and to provide relief from stop orders of the Director by re-adoption by the governing body of the issuer of the authorizing proceedings, or from stop orders issued by the Alabama Securities Commission by judicial validation under Title 7, Section 169, et seq., Alabama Code of 1940, as amended (relating to the judicial validation of securities issued by counties, cities and towns) and Act No. 859 of the 1953 Regular Session of the Alabama Legislature (Acts of 1953, p. 1148, et seq. (relating to the judicial validation of securities issued by boards and public corporations) and as supplemented in this act for proceedings hereunder, and relief from stop orders of the Council by such judicial validation.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Boles, Buskey, Callahan, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—86

And the bill:

H. 154. To amend Section 290 and 291 of Title 28, Code of Alabama 1940, and Section 282 of Title 28, Code of Alabama 1940, as amended by Section 1 of Act No. 561, Regular Session 1975, Section 285 of Title 28, Code of Alabama 1940, as amended by Section 4 of Act No. 561, Regular Session 1975, all of which provide for credit unions in Alabama, so as to provide for an increased maximum of the par value of a share, to eliminate unnecessary language concerning loans, to elect a president who is an employee of the credit union and to remove statutory restrictions on the disbursement of loan funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Boles, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Harris, Higginbotham, Hill, Hilliard, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, Mc-

Culley, McMillan, McNair, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Starkey, Trammell, Tucker, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—81

And the bill:

H. 326. (With Substitute): To amend Section 33, Act 100 Second Special Session 1959, to exempt food purchased for human consumption that will be prepared and consumed off premises.

Was taken up.

#### H. 326 POSTPONED

On motion of Mr. McCorquodale, the bill, H. 326 with pending substitute, was postponed to the sixth legislative day.

And the bill:

H. 87. To make an appropriation for the support and maintenance of the Walker County Junior College located in Jasper, Walker County, Alabama for the fiscal year ending September 30, 1977.

Was taken up.

#### AMENDMENT OFFERED

Mr. Barron offered the following amendment to the bill, H. 87:

Amend H. B. 87 by adding the following Section 2 immediately after Section 1 and renumbering the subsequent Section accordingly:

"Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year, before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year."

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 87; Nays 2.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Boles, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hilliard, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White and Wyatt.

—87

Nays: Messrs.: Drake and Manley.

—2

MOTION TO POSTPONE TABLED

On motion of Mr. Merrill, the motion offered by Mr. Wyatt to postpone the bill, H. 87 as amended, to the ninth legislative day, was tabled.

Yeas 71; Nays 13.

*Yeas:*

Mr. Speaker, Armstrong, Baker, Biddle, Boles, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Higginbotham, Hill, Hilliard, Hines, Holmes (A), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Kelley, Kennedy, Killian, Lockett, McCluskey, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Smith (J), Sonnier, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Whatley, White and Williams.

—71

*Nays:*

Messrs.: Albright, Barron, Gregg, Hall, Harris, Johnson, Leonard, Lewis, Lutz, Smith (B), Warren, Weeks and Wyatt.

—13

AMENDMENT OFFERED

Mr. Wyatt offered the following amendment No. 1 to the bill, H. 87 as amended:

Amend H. B. 87 by adding after the word Alabama on line 22 the following:

AMENDMENT TABLED

On motion of Mr. Merrill, the amendment No. 1 offered by Mr. Wyatt to the bill, H. 87 as amended, was tabled.

Yeas 53; Nays 17.

*Yeas:*

Mr. Speaker, Armstrong, Baker, Biddle, Brindley, Buskey, Campbell, Carter, Cates, Clark, Coburn, Cooper, Falkenburg, Folmar, Gafford, Gregg, Hall, Higginbotham, Hines, Holmes (D), Jackson (F), Jackson (R), Johnstone, Kelley, Killian, Lutz, McCluskey, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sasser, Smith (J), Starkey, Tucker, Venable, Waggoner, Weeks, Whatley and White.

—53

*Nays:*

Messrs.: Albright, Barron, Cross, Goodwin, Greer, Hill, Holley, Johnson, Jolly, Leonard, McNees, Smith (M), Sonnier, Trammell, Turnham, Warren and Wyatt.

—17

AMENDMENT OFFERED

Mr. Wyatt offered the following amendment No. 2 to the bill, H. 87 as amended:

Amend H. B. 87 by eliminating the sum \$325,000.00 wherever the same appears, and insert in lieu thereof the sum of \$162,500.00.

#### AMENDMENT TABLED

On motion of Mr. Merrill, the amendment No. 2 offered by Mr. Wyatt to the bill, H. 87 as amended, was tabled.

Yeas 65; Nays 8.

#### Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Brindley, Buskey, Campbell, Carter, Cates, Clark, Cooper, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Gafford, Gregg, Higginbotham, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Jackson (R), Johnstone, Kelley, Killian, Lockett, McCluskey, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Rich, Riddick, Roberts, Robertson, Sandusky, Smith (B), Smith (J), Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Weeks, White and Williams.

—65

#### Nays:

Messrs.: Barron, Goodwin, Hall, Johnson, Leonard, Lutz, Quarles and Wyatt.

—8

And the bill, H. 87 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 7.

#### Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lewis, Lockett, McCluskey, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Weeks, Whatley, White and Williams.

—85

#### Nays:

Messrs.: Barron, Gregg, Hall, Johnson, Lutz, Warren and Wyatt.

—7

### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

#### Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 12. COMMENDING DR. S. RICHARDSON HILL, JR., UPON BEING NAMED PRESIDENT OF THE UNIVERSITY OF ALABAMA IN BIRMINGHAM.

Also:

H. J. R. 13. COMMENDING DR. M. C. CLEVELAND, SR. FOR HIS MANY ENDEAVORS AND ACCOMPLISHMENTS IN RELIGIOUS AND EDUCATIONAL FIELDS.

And finds same correctly enrolled.

TOM DRAKE,  
Chairman.

#### SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### BILLS ON THIRD READING RESUMED

And the bill:

H. 79. To make an appropriation for the support and maintenance of the Marion Institute, located in Perry County.

Was taken up.

#### AMENDMENT OFFERED

Mr. Barron offered the following amendment to the bill, H. 79:

Amend H. B. 79 by adding the following Section 2 immediately after Section 1 and renumbering the subsequent Section accordingly:

"Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year, before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year."

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 84; Nays 1.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crowe, Dial, Drake, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—84

Nay: Mr. Manley.

—1

And the bill, H. 79 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 6.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Boles, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, White and Williams.

—84

Nays: Messrs.: Albright, Barron, Gregg, Lutz, Warren and Wyatt.

—6

And the bill:

H. 77. To make appropriations for the support and maintenance of Talladega College.

Was taken up.

#### AMENDMENT OFFERED

Mr. Barron offered the following amendment to the bill, H. 77:

Amend H. B. 77 by adding the following Section 3 immediately after Section 2 and renumbering the subsequent Section accordingly:

"Section 3. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year, before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year."

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 82; Nays 3.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Folmar, Goodwin, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C),

REGULAR SESSION  
4th Day

233

Smith (J), Smith (M), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—82

Nays: Messrs.: Biddle, Drake and Manley.

—3

And the bill, H. 77 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80, Nays 8.

Yeas:

Mr. Speaker, Armstrong, Biddle, Boles, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Folmar, Goodwin, Greer, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, McCluskey, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Weeks, Whatley, White and Williams.

—80

Nays:

Messrs.: Albright, Barron, Gregg, Hall, Johnson, Lutz, Warren and Wyatt.

—8

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Buskey, Cooper, Crowe, Dial, Drake, Folmar, Hill, Hilliard, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Lewis, McNair, Merrill, Mitchem, Moore (O), Naramore, Pegues, Plaster, Porter, Quarles, Reed, Sandusky, Shelton, Sonnier, Starkey, Trammell and Tucker added as co-sponsors to the bill, H. 77.

And the bill:

H. 276. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

Was taken up.

AMENDMENT OFFERED

Mr. Barron offered the following amendment to the bill, H. 276:

Amend H. B. 276 by adding the following Section 2 immediately after Section 1 and renumbering the subsequent Section accordingly:

"Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions and said institution shall submit to the Legislature each year, before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year."

## AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 82; Nays 4.

## Yeas:

Mr. Speaker, Albright, Armstrong, Barron, Biddle, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Dial, Edwards, Folmar, Gafford, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, McCluskey, McMillan, McNair, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—82

Nays: Messrs.: Drake, Gregg, Lutz and Manley.

—4

And the bill, H. 276 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 11.

## Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Buskey, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Gafford, Goodwin, Harris, Higginbotham, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Jackson (F), Jackson (R), Johnstone, Kelley, Kennedy, Killian, Lewis, Lockett, McCluskey, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Whatley, White and Williams.

—73

## Nays:

Messrs.: Barron, Gregg, Hall, Johnson, Jolly, Leonard, Lutz, Riddick, Smith (B), Warren and Wyatt.

—11

## BILLS CARRIED OVER

On motion of Mr. Reed, all bills were carried over in order to reach the bill, H. 92.

And the bill:

H. 92. To make appropriation for the support and maintenance of the Tuskegee Institute located in Macon County for the current fiscal year.

Was taken up.

## AMENDMENT OFFERED

Mr. Barron offered the following amendment to the bill, H. 92:

Amend H. B. 92 by adding the following Section 2 immediately after Section 1 and renumbering the subsequent Section accordingly:



"Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year, before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 82; Nays 3.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Dial, Falkenburg, Folmar, Gafford, Goodwin, Greer, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (M), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—82

Nays: Messrs.: Drake, Manley and Smith (C).

—3

And the bill, H. 92 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 6.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Leonard, Lewis, Lockett, McCluskey, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Whatley, White and Williams.

—84

Nays: Messrs.: Barron, Gregg, Hall, Johnson, Lutz and Wyatt.

—6

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Armstrong, Baker, Buskey, Campbell, Carter, Clark, Cooper, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Higginbotham, Hilliard, Hines, Holmes (A), Hopping, Howard, Jackson (R), Johnstone, Jolly, Kennedy, Killian, Lewis, McCluskey, McNees, Merrill, Mitchem, Morris, Naramore,

Pegues, Porter, Quarles, Rich, Sandusky, Shelton, Smith (J), Sonnier, Trammell, Tucker, Turnham and Whatley added as co-sponsors to the bill, H. 92.

#### RESOLUTION

The following resolution was introduced:

By Mr. Riddick:

H. R. 57. Be It Resolved By The House Of Representatives, That beginning on the Sixth Legislative Day, a motion to adjourn will not be in order until and unless the House has transacted business for a minimum of four hours exclusive of any periods of recess or until the House business, as evidenced by the completion of the House Calendar, has been completed.

#### MOTION TO SUSPEND RULES AND ADOPT

Mr. Riddick offered the motion to suspend the rules and adopt the resolution, H. R. 57.

#### SUBSTITUTE MOTION ADOPTED

The substitute motion offered by Mr. Gafford to indefinitely postpone the resolution, H. R. 57, was adopted.

Yeas 48; Nays 25.

#### Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Buskey, Carothers, Cates, Clark, Coburn, Cooper, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Harris, Higginbotham, Holmes (A), Holmes (D), Jackson (F), Johnstone, Kennedy, Lutz, McCluskey, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Morris, Pegues, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (J), Smith (M), Sonnier, Turnham, Venable, Waggoner, Warren, Weeks and Williams.

—48

#### Nays:

Messrs.: Barron, Boles, Brindley, Campbell, Glass, Greer, Gregg, Hall, Hill, Hilliard, Holley, Hopping, Howard, Johnson, Jolly, Killian, Leonard, Lockett, McNair, Martin, Naramore, Porter, Smith (B), Tucker and Wyatt.

—25

#### H. R. 57 INDEFINITELY POSTPONED

On substitute motion of Mr. Gafford, the resolution, H. R. 57, was indefinitely postponed.

#### MOTION TO RECESS LOST

The motion offered by Mr. Higginbotham that the House recess until 1:15 o'clock p.m. was lost.

#### BILLS ON THIRD READING RESUMED

And the bill:

H. 348. (With Amendment): To amend Section 15, Title 51, Code of Alabama 1940 relating to homestead exemptions so as to increase the amount of said exemption.

Was taken up.

REGULAR SESSION  
4th Day

237

H. 348 POSTPONED

On motion of Mr. Merrill, the bill, H. 348 with pending amendment, was postponed to the fifth legislative day.

RESOLUTION

The following resolution was introduced:

By Mr. White:

H. R. 58. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when the House adjourns today it will adjourn to meet again on Tuesday, February 15, 1977, at 2:00 p.m.

MOTION TO SUSPEND RULES AND ADOPT LOST

The motion offered by Mr. White to suspend the rule and adopt the resolution, H. R. 58, was lost, lacking a four-fifths vote.

Yeas 28; Nays 27.

Yeas:

Messrs.: Armstrong, Biddle, Buskey, Carothers, Clark, Cooper, Drake, Falkenburg, Goodwin, Harris, Kelley, Kennedy, Lee, Lutz, McCluskey, McCulley, McNees, Manley, Merrill, Mitchem, Moore (W), Rich, Robertson, Sasser, Smith (M), Venable, Weeks and Williams.

—28

Nays:

Messrs.: Albright, Barron, Brindley, Campbell, Crowe, Folmar, Glass, Greer, Gregg, Hall, Hill, Hilliard, Howard, Johnson, Johnstone, Killian, Kinsey, Leonard, Lockett, McMillan, McNair, Martin, Riddick, Roberts, Smith (B), Sonnier and Whatley.

—27

The resolution, H. R. 58, was read and referred to the Standing Committee on Rules.

MOTION TO ADJOURN

The motion offered by Mr. Robertson that the House adjourn until 2:01 o'clock p.m., Tuesday, February 15, 1977, was lost.

Yeas 13; Nays 67.

Yeas:

Messrs.: Buskey, Clark, Coburn, Drake, Goodwin, Lee, Manley, Merrill, Morris, Porter, Robertson, Weeks and White.

—13

Nays:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Brindley, Campbell, Carothers, Carter, Cooper, Cross, Crowe, Dial, Falkenburg, Folmar, Gafford, Greer, Gregg, Hall, Harris, Hill, Hilliard, Holley, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Martin, Mitchem, Moore (O), Naramore, Pegues, Plaster, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith J), Smith (M), Sonnier, Starkey, Turnham, Venable, Warren, Whatley, Williams and Wyatt.

—67

## BILLS ON THIRD READING RESUMED

And the bill:

H. 33. Relating to certain positions in the State Department of Revenue, providing that the salaries to be paid to such positions shall be the same as that paid to the positions of Attorney III Supervisor.

Was taken up.

## MOTION TO POSTPONE

Mr. Holley offered the motion to postpone the bill, H. 33, to the ninth legislative day.

## SUBSTITUTE MOTION OFFERED

Mr. Greer offered the substitute motion that the bill, H. 33, be postponed to the thirtieth legislative day.

## SUBSTITUTE MOTION TO SUBSTITUTE MOTION LOST

The substitute motion offered by Mr. Campbell that the bill, H. 33, be indefinitely postponed, to the substitute motion offered by Mr. Greer, was lost.

Yeas 25; Nays 41.

Yeas:

Messrs.: Albright, Barron, Campbell, Cates, Cross, Dial, Greer, Hall, Hill, Holley, Holmes (D), Hopping, Howard, Johnson, Jolly, Leonard, Lewis, Lockett, Manley, Riddick, Roberts, Smith (M), Venable, Whatley and Wyatt.

—25

Nays:

Mr. Speaker, Armstrong, Baker, Biddle, Boles, Brindley, Buskey, Clark, Cooper, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Hillard, Hines, Jackson (F), Johnstone, Kelley, Kennedy, Killian, Kinsey, McCluskey, McMillan, Martin, Merrill, Moore (O), Morris, Naramore, Reed, Sandusky, Smith (J), Sonnier, Trammell, Turnham, Waggoner, Warren, Weeks and White.

—41

## SUBSTITUTE MOTION TABLED

The question was then on the substitute motion offered by Mr. Greer to postpone the bill, H. 33, to the thirtieth legislative day, and on motion of Mr. Gafford, the substitute motion was tabled.

Yeas 45; Nays 21.

Yeas:

Mr. Speaker, Armstrong, Biddle, Brindley, Buskey, Carothers, Carter, Cates, Clark, Cooper, Cross, Crowe, Drake, Edwards, Falkenburg, Gafford, Goodwin, Hilliard, Hines, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Kennedy, Killian, Kinsey, McCluskey, McMillan, Martin, Merrill, Moore (O), Morris, Naramore, Owens, Reed, Roberts, Sandusky, Smith (J), Sonnier, Turnham, Waggoner, Warren, Weeks and White.

—45

**REGULAR SESSION**  
**4th Day**

239

*Nays:*

Messrs.: Albright, Andrews, Barron, Campbell, Dial, Greer, Hall, Hill, Holley, Holmes (D), Johnson, Jolly, Leonard, Lewis, Manley, Plaster, Smith (M), Trammell, Venable, Whatley and Wyatt.

—21

**MOTION TO POSTPONE TABLED**

The question was then on the motion offered by Mr. Holley to postpone the bill, H. 33, to the ninth legislative day, and on motion of Mr. Gafford, the motion to postpone was tabled.

Yeas 44; Nays 34.

*Yeas:*

Mr. Speaker, Armstrong, Baker, Biddle, Buskey, Clark, Coburn, Cooper, Crowe, Drake, Falkenburg, Folmar, Gafford, Goodwin, Hilliard, Hines, Jackson (F), Johnstone, Kennedy, Killian, Kinsey, Lutz, McCluskey, McCulley, McMillan, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Sonnier, Trammell, Turnham, Waggoner, Warren, Weeks and White.

—44

*Nays:*

Messrs.: Albright, Andrews, Barron, Boles, Campbell, Carothers, Cates, Dial, Edwards, Greer, Hall, Harris, Hill, Holley, Holmes (D), Hopping, Johnson, Jolly, Kelley, Leonard, Lewis, Lockett, Manley, Morris, Plaster, Quarles, Riddick, Smith (B), Smith (J), Smith (M), Venable, Whatley, Williams and Wyatt.

—34

**MOTION TO TABLE LOST**

The motion offered by Mr. Gafford to table the motion offered by Mr. Holley to postpone the bill, H. 33, to the sixth legislative day, was lost.

Yeas 33; Nays 39.

*Yeas:*

Mr. Speaker, Armstrong, Baker, Biddle, Clark, Coburn, Cooper, Crowe, Drake, Falkenburg, Folmar, Gafford, Goodwin, Hines, Jackson (F), Kennedy, Kinsey, Lutz, McMillan, McNees, Martin, Merrill, Naramore, Owens, Robertson, Sandusky, Shelton, Sonnier, Turnham, Waggoner, Warren, Weeks and White.

—33

*Nays:*

Messrs.: Andrews, Barron, Campbell, Cates, Cross, Dial, Edwards, Glass, Greer, Hall, Hill, Holley, Holmes (D), Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Killian, Leonard, Lewis, Lockett, McNair, Manley, Morris, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Smith (B), Smith (J), Smith (M), Venable, Whatley, Williams and Wyatt.

—39

**H. 33 POSTPONED**

The question was then on the motion offered by Mr. Holley to postpone the bill, H. 33, to the sixth legislative day, and the motion was adopted.

Yeas 43; Nays 36.

*Yeas:*

Messrs.: Andrews, Baker, Barron, Brindley, Campbell, Cates, Dial, Edwards, Folmar, Glass, Greer, Hall, Harris, Hill, Hilliard, Holley, Holmes (D), Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Killian, Lee, Leonard, Lewis, Lockett, McNair, Manley, Morris, Pegues, Plaster, Quarles, Rich, Riddick, Smith (B), Smith (J), Smith (M), Venable, Whatley, Williams and Wyatt.

—43

*Nays:*

Mr. Speaker, Armstrong, Biddle, Carothers, Carter, Clark, Coburn, Cooper, Cross, Crowe, Drake, Falkenburg, Gafford, Goodwin, Hines, Jackson (F), Kinsey, Lutz, McMillan, McNeese, Martin, Merrill, Naramore, Owens, Reed, Roberts, Sandusky, Sasser, Shelton, Sonnier, Trammell, Turnham, Waggoner, Warren, Weeks and White.

—36

### RESOLUTION

The following resolution was introduced:

By Messrs. Howard and Armstrong:

H. J. R. 59. MOURNING THE DEATH OF CLINTON LEWIS.

WHEREAS, the Legislature of Alabama has noted with a sense of deep regret the recent death of Clinton Lewis of Bessemer, Alabama; and

WHEREAS, this body is aware that Mr. Lewis, a longtime labor leader in Alabama, also contributed immeasurably to the enrichment and betterment of religious and civic affairs of his community; and

WHEREAS, Clinton Lewis was a man who gained the respect and fond feelings of all those who knew him, he will be long remembered and sadly missed by his family and many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do greatly mourn and regret the recent death of Clinton Lewis and express our deep and heartfelt sympathy to his family, to whom a copy of this resolution shall be sent.

On motion of Mr. Armstrong, the rules were suspended and the resolution, H. J. R. 59, was adopted.

### BILLS ON THIRD READING RESUMED

And the bill:

H. 60. To make a certain appropriation from the General Fund to cover expenses incurred by state Representative Gary Cooper while attending the annual conference of the Southern Growth Policies Board.

Was taken up.

H. 60 POSTPONED

On motion of Mr. Cooper, the bill, H. 60, was postponed to the fifth legislative day.

MOTION TO ADJOURN LOST

The motion offered by Mr. Robertson that the House adjourn until 1:00 o'clock p.m., Tuesday, February 15, 1977, was lost.

Yeas 24; Nays 52.

*Yeas:*

Messrs.: Andrews, Boles, Buskey, Carter, Cates, Clark, Drake, Folmar, Harris, Hilliard, Howard, Johnson, Kennedy, Lee, Manley, Merrill, Moore (W), Morris, Robertson, Shelton, Smith (J), Starkey, White and Williams.

—24

*Nays:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Cross, Edwards, Falkenburg, Gafford, Greer, Gregg, Hall, Higginbotham, Hill, Holley, Hopping, Jackson (F), Johnstone, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Mitchem, Moore (O), Owens, Pegues, Plaster, Reed, Riddick, Roberts, Sandusky, Smith (B), Smith (M), Sonnier, Trammell, Turnham, Venable, Waggoner, Warren and Whatley.

—52

BILLS ON THIRD READING RESUMED

And the bill:

H. 69. To amend Section 5, Act 160, Third Special Session, 1971 Legislature, providing for maintenance of property values and ownership maps in each county after completion of the statewide reappraisal program; providing that the Department of Revenue establish such a program for uniformity of procedures and records; providing that field men involved in classifying property shall have one year experience in appraisal of real property; providing the method for payment of such maintenance appraisal and mapping program. Repeals laws in conflict with this Act.

Was taken up.

MOTION TO POSTPONE

Mr. Morris offered the motion to postpone the bill, H. 69, to the sixth legislative day.

MOTION TO TABLE LOST

The motion offered by Mr. Baker to table the motion to postpone offered by Mr. Morris, was lost.

Yeas 27; Nays 37.

*Yeas:*

Messrs.: Baker, Carothers, Carter, Dial, Gafford, Glass, Greer, Hall, Higginbotham, Hill, Hines, Holley, Howard, Johnson, Johnstone, Killian, Leonard, Lutz, McCluskey, McCulley, McNees, Plaster, Smith (J), Smith (M), Turnham, Whatley and White.

—27

*Nays:*

Messrs.: Albright, Andrews, Armstrong, Barron, Boles, Campbell, Cates, Clark, Drake, Edwards, Folmar, Hilliard, Hopping, Jackson (F), Kelley,

Kinsey, Lee, Lewis, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Pegues, Robertson, Sandusky, Sasser, Shelton, Smith (B), Sonnier, Venable, Waggoner, Warren and Williams.

—37

## MOTION TO POSTPONE LOST

The question was then on the motion offered by Mr. Morris to postpone the bill, H. 69, to the sixth legislative day, and the motion was lost.

Yeas 34; Nays 35

## Yeas:

Messrs.: Andrews, Barron, Brindley, Campbell, Cates, Clark, Cross, Edwards, Folmar, Harris, Hilliard, Hopping, Kelley, Lee, Lewis, McNeese, Merrill, Mitchem, Moore (W), Morris, Pegues, Plaster, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Trammell, Venable, Waggoner, Warren and Williams.

—34

## Nays:

Mr. Speaker, Albright, Armstrong, Baker, Carothers, Carter, Crowe, Dial, Gafford, Glass, Greer, Hall, Higginbotham, Hill, Hines, Holley, Jackson (F), Johnson, Johnstone, Kennedy, Killian, Kinsey, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, Manley, Moore (O), Sandusky, Sonnier, Turnham, Whatley and White.

—35

## MOTION TO POSTPONE

Mr. Drake offered the motion to postpone the bill, H. 69, to the fifth legislative day.

## MOTION TO TABLE LOST

The motion offered by Mr. Baker to table the motion to postpone offered by Mr. Drake, was lost.

Yeas 29; Nays 36.

## Yeas:

Messrs.: Armstrong, Carothers, Glass, Greer, Hall, Higginbotham, Hill, Holley, Johnson, Johnstone, Kelley, Killian, Kinsey, Leonard, Lockett, Lutz, McCulley, McMillan, Manley, Martin, Mitchem, Morris, Plaster, Sandusky, Smith (J), Smith (M), Sonnier, Turnham and Warren.

—29

## Nays:

Messrs.: Albright, Andrews, Barron, Brindley, Campbell, Cates, Clark, Cross, Crowe, Drake, Edwards, Folmar, Gafford, Goodwin, Gregg, Harris, Hilliard, Holmes (A), Hopping, Howard, Jackson (F), Lee, Lewis, McNeese, Merrill, Moore (W), Roberts, Robertson, Sasser, Smith (B), Venable, Waggoner, Whatley, White, Williams and Wyatt.

—36

## H. 69 POSTPONED

The question was then on the motion offered by Mr. Drake to postpone the bill, H. 69, to the fifth legislative day, and the motion was adopted.



REGULAR SESSION  
4th Day

243

Yeas 50; Nays 27.

*Yeas:*

Mr. Speaker, Andrews, Barron, Boles, Brindley, Buskey, Campbell, Cates, Clark, Cross, Crowe, Dial, Drake, Edwards, Folmar, Goodwin, Gregg, Harris, Hilliard, Holley, Holmes (A), Hopping, Howard, Jackson (F), Jolly, Kelley, Kennedy, Lee, Lewis, Lockett, McNair, McNees, Merrill, Mitchem, Moore (W), Morris, Plaster, Quarles, Roberts, Robertson, Sasser, Shelton, Smith (M), Trammell, Turnham, Venable, Waggoner, Warren, Williams and Wyatt.

—50

*Nays:*

Messrs.: Albright, Armstrong, Carothers, Carter, Gafford, Glass, Greer, Hall, Higginbotham, Hill, Hines, Johnson, Johnstone, Killian, Kinsey, Leonard, Lutz, McCluskey, McCulley, McMillan, Manley, Sandusky, Smith (B), Smith (J), Sonnier, Whatley and White.

—27

MOTION TO ADJOURN LOST

The motion offered by Mr. Holmes (A) that the House adjourn until 2:00 o'clock p.m., Tuesday, February 15, 1977, was lost.

Yeas 21; Nays 61.

*Yeas:*

Messrs.: Andrews, Boles, Buskey, Cates, Clark, Dial, Drake, Folmar, Hilliard, Holmes (A), Hopping, Howard, Johnson, McCulley, Manley, Merrill, Moore (W), Robertson, Smith (J), Weeks and White.

—21

*Nays:*

Mr. Speaker, Albright, Armstrong, Barron, Biddle, Brindley, Callahan, Carothers, Carter, Cross, Crowe, Edwards, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes (D), Jackson (F), Johnstone, Kelley, Killian, Kinsey, Lee, Leonard, Lockett, Lutz, McCluskey, McMillan, McNees, Martin, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, Williams and Wyatt.

—61

BILLS ON THIRD READING RESUMED

And the bill:

H. 218. To regulate further the compensation of certain public officers; to provide for such a salary adjustment for Alabama state troopers and police communications officers as will bring the salaries of these employees of the Department of Public Safety to a level approximating the average salary of like employees in the Southeastern United States; to make an appropriation to implement this act; and specifically to provide that this act shall operate to increase the compensation only of those officers named herein and shall not affect the compensation of any other public officer; and to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 2.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeese, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Narmore, Owens, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—87

Nays: Messrs.: Johnson and Lee.

—2

#### UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Andrews, Carothers, Falkenburg, Glass, Greer, Hall, Hilliard, Holley, Holmes (A), Hopping, Johnstone, Jolly, Kennedy, Kinsey, McCluskey, McNeese, Mitchem, Morris, Quarles, Reed, Shelton, Starkey, Trammell, Waggoner, Weeks, White and Wyatt added as co-sponsors to the bill, H. 218.

And the bill:

H. 219. To make an appropriation to the Governor's Mansion Advisory Board.

Was taken up.

#### AMENDMENT OFFERED

Mr. Owens offered the following amendment to the bill, H. 219:

On line 9, in the Synopsis, strike the figure "\$250,000.00" and insert in lieu thereof the figure,

\$287,500.00

Also, on line 21, Section 1, strike the words and figure "two hundred fifty thousand dollars (\$250,000.00)" and insert in lieu thereof the words and figure,

two hundred and eighty-seven thousand five hundred dollars (\$287,500.00)

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 72; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Brindley, Campbell, Carter, Cates, Clark, Coburn, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Glass, Goodwin, Greer, Harris, Higginbotham, Hill, Hilliard, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Lewis, Lockett, Lutz, McCluskey,

REGULAR SESSION  
4th Day

245

McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Reed, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—72

Nay: Mr. Leonard.

—1

And the bill, H. 219 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 6.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Harris, Higginbotham, Hill, Hilliard, Hines, Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lewis, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—77

Nays: Messrs.: Dial, Hall, Holley, Leonard, Lutz and Morris.

—6

And the bill:

H. 127. To authorize the superintendent of the state department of education to contract with any independent firm of his choice, within or without the state and without regard to the state competitive bid laws, for the purpose of conducting an independent study and presenting a program for the regional day school educational needs of the deaf in Alabama, and appropriates a supplemental amount not to exceed \$100,000 out of the Alabama Special Education Trust Fund, to cover the cost of such study, to the state department of education for the current fiscal year; and to require that the state superintendent of education report the conclusions and recommendations to the legislature by the first day of the 1978 Regular Session.

Was taken up.

H. 127 POSTPONED

On motion of Mrs. Quarles, the bill, H. 127, was postponed to the fifth legislative day.

Yeas 59; Nays 6.

Yeas:

Mr. Speaker, Albright, Andrews, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Coburn, Cross, Dial, Drake, Edwards, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Johnson, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNair, Merrill, Mitchem, Morris, Plaster, Quarles, Riddick, Roberts, Sandusky, Sasser, Smith (B),

Smith (C), Smith (J), Smith (M), Trammell, Turnham, Warren, Weeks, White, Williams and Wyatt.

—59

*Nays:*

Messrs. Armstrong, Clark, Crowe, Higginbotham, Johnstone and Sonnier.

—6

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Vacca:

S. J. R. 240. CONTINUING THE COMMITTEE CREATED BY ACT NO. 755, H. J. R. 326, OF THE 1976 LEGISLATURE AND POSTPONING THE DAY FOR FILING ITS FINAL REPORT AND EXTENDING THE EXISTENCE OF SAID COMMITTEE.

WHEREAS, Act No. 755, H. J. R. 326, page 1039, of the Regular Session of the 1976 Legislature created a select joint committee to study the rising cost to the state of the Medicare and Medicaid programs; and

WHEREAS, said resolution directed that the committee report its findings, conclusions and recommendations to the Legislature not later than the fifth legislative day of the 1977 Regular Session, whereupon the committee should be dissolved; and

WHEREAS, it is deemed wise and expedient that this committee have more time in which to report its findings, and that the life of this committee be extended; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Select Joint Committee to Study the Rising Cost to the State of the Medicare and Medicaid Programs, created by Act No. 755, H. J. R. 326, 1976 Regular Session, report its findings not later than the tenth legislative day and that the life of this Committee shall expire on the 30th legislative day of the 1977 Regular Session.

#### SENATE MESSAGE

On motion of Mr. Pegues, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 240, set out in the above and foregoing Message from the Senate.

#### MOTION TO ADJOURN LOST

The motion offered by Mr. Holmes (A) that the House adjourn until 2:00 o'clock p.m., Tuesday, February 15, 1977, was lost.

Yeas 31; Nays 52

*Yeas:*

Messrs.: Baker, Boles, Buskey, Clark, Cooper, Drake, Edwards, Gafford, Harris, Hilliard, Holley, Holmes (A), Hopping, Johnson, Johnstone, Lee, Lewis, Lutz, McCulley, McNees, Manley, Merrill, Reed, Robertson, Sasser, Smith (J), Smith (M), Weeks, Whatley, White and Williams.

—31

**REGULAR SESSION**  
**4th Day**

247

**Nays:**

Mr. Speaker, Albright, Armstrong, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cross, Crowe, Dial, Falkenburg, Folmar, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Holmes (D), Jackson (F), Kelley, Killian, Kinsey, Leonard, Lockett, McCluskey, McMillan, Martin, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Sandusky, Smith (B), Smith (C), Sonnier, Trammell, Turnham, Venable, Waggoner, Warren and Wyatt.

—52

**MOTION TO ADJOURN LOST**

The motion offered by Mr. Biddle that the House adjourn until 1:00 o'clock p.m., Tuesday, February 15, 1977, was lost.

Yeas 41; Nays 47.

**Yeas:**

Messrs.: Andrews, Baker, Buskey, Cates, Clark, Cooper, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Harris, Hilliard, Holley, Holmes (A), Hopping, Johnson, Johnstone, Jolly, Kelley, Kennedy, Lee, Lewis, Lutz, McNees, Manley, Merrill, Mitchem, Moore (W), Morris, Reed, Robertson, Sasser, Shelton, Smith (M), Weeks, Whatley, White and Williams.

—41

**Nays:**

Mr. Speaker, Albright, Armstrong, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Coburn, Cross, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Holmes (D), Jackson (F), Killian, Kinsey, Leonard, Lockett, McCluskey, McCulley, McMillan, McNair, Martin, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Sandusky, Smith (B), Smith (C), Sonnier, Starkey, Turnham, Venable, Waggoner, Warren and Wyatt.

—47

**MOTION TO ADJOURN LOST**

The motion offered by Mr. Greer that the House adjourn until 12:00 o'clock noon, Tuesday, February 15, 1977, was lost.

Yeas 35; Nays 49.

**Yeas:**

Messrs.: Andrews, Baker, Brindley, Carter, Cates, Clark, Dial, Drake, Folmar, Gafford, Higginbotham, Hilliard, Holley, Holmes (A), Hopping, Johnstone, Jolly, Kelley, Kennedy, Lewis, Lutz, Manley, Merrill, Pegues, Reed, Riddick, Robertson, Sasser, Smith (J), Smith (M), Weeks, Whatley, White, Williams and Wyatt.

—35

**Nays:**

Mr. Speaker, Albright, Armstrong, Barron, Biddle, Campbell, Carothers, Coburn, Cooper, Cross, Crowe, Falkenburg, Glass, Goodwin, Greer, Gregg, Hall, Hill, Holmes (D), Jackson (F), Johnson, Killian, Kinsey, Leonard, Lockett, McCluskey, McCulley, McMillan, McNees, Martin, Mitchem, Moore (O), Morris, Naramore, Owens, Plaster, Quarles, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner and Warren.

—49

## MOTION TO TEMPORARILY CARRY OVER BILLS LOST

The motion offered by Mr. Gregg to temporarily carry over all bills on the Calendar up to the bill, H. 9, was lost.

## BILLS ON THIRD READING RESUMED

And the bill:

H. 89. To provide sick leave for full-time support personnel who are non-certificated educational employees in city and county school systems and the Alabama Institute for Deaf and Blind.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—88

## UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Albright, Andrews, Armstrong, Boles, Brindley, Buskey, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Glass, Goodwin, Greer, Hall, Higginbotham, Hilliard, Holmes (A), Holmes (D), Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, McNair, McNees, Manley, Merrill, Mitchem, Moore (O), Owens, Plaster, Quarles, Reed, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt added as co-sponsor to the bill, H. 89.

—67

## MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Gregg to suspend the rules in order to take up out of order the bill, H. 9, was lost, lacking a four-fifths vote.

Yeas 41; Nays 28.

Yeas:

Mr. Speaker, Albright, Andrews, Barron, Biddle, Boles, Carter, Clark, Cross, Crowe, Gafford, Glass, Greer, Gregg, Hall, Higginbotham, Holley, Holmes (D), Hopping, Kelley, Leonard, Manley, Martin, Merrill, Moore (O), Moore (W), Quarles, Roberts, Robertson, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Starkey, Trammell, Warren, Whatley, White, Williams and Wyatt.

—41

*Nays:*

Messrs.: Armstrong, Brindley, Buskey, Campbell, Cates, Coburn, Edwards, Folmar, Goodwin, Hilliard, Holmes (A), Jackson (F), Johnson, Johnstone, Kennedy, Kinsey, Lewis, Lockett, McCluskey, McMillan, Naramore, Pegues, Riddick, Sandusky, Sasser, Turnham, Waggoner and Weeks.

—28

BILLS ON THIRD READING RESUMED

And the bill:

H. 132. To exempt the Allen Memorial Home, Inc. from the payment of all state, county and municipal sales and use taxes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 7.

*Yeas:*

Messrs.: Armstrong, Biddle, Boles, Brindley, Buskey, Callahan, Carter, Clark, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Gafford, Glass, Greer, Higginbotham, Hines, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Kennedy, Kinsey, Lee, Lutz, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Pegues, Reed, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Waggoner, Warren, Weeks, White and Williams.

—53

*Nays:*

Messrs.: Albright, Barron, Hall, Holley, Johnson, Leonard and Wyatt.

—7

And the bill:

H. 361. To amend further Section 91 of Title 36, Code of Alabama (1940), which authorizes the Director of the Highway Department to issue special permits for movement of certain oversized and overweight vehicles and loads on the state highway system and to collect fees for the issuance of such permit.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

*Yeas:*

Messrs.: Albright, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Cates, Clark, Coburn, Cooper, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNeas, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—80

## UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Smith (C), added as co-sponsor to the bill, H. 361.

## MOTION TO ADJOURN LOST

The motion offered by Mr. Merrill that the House adjourn until 1:00 o'clock p.m., Tuesday, February 15, 1977, was lost.

Yeas 41; Nays 43.

## Yeas:

Messrs.: Albright, Andrews, Baker, Boles, Brindley, Carter, Cates, Clark, Crowe, Dial, Drake, Falkenburg, Folmar, Hilliard, Holley, Holmes (A), Holmes (D), Johnson, Jolly, Kelley, Kennedy, Lee, Lewis, Lutz, McCulley, McNair, McNeese, Manley, Merrill, Mitchem, Moore (W), Robertson, Sasser, Shelton, Smith (J), Smith (M), Starkey, Trammell, Weeks, White and Williams.

—41

## Nays:

Mr. Speaker, Armstrong, Barron, Biddle, Campbell, Carothers, Coburn, Cooper, Cross, Edwards, Gafford, Glass, Goodwin, Greer, Hall, Higginbotham, Hill, Hines, Jackson (F), Killian, Kinsey, Leonard, Lockett, McCluskey, McMillan, Martin, Moore (O), Naramore, Owens, Pegues, Plaster, Riddick, Roberts, Sandusky, Smith (B), Smith (C), Sonnier, Turnham, Venable, Waggoner, Warren, Whatley and Wyatt.

—43

## BILLS ON THIRD READING RESUMED

And the bill:

H. 32. To amend the title and further amend Sections 1, 3, 4 and 5 of Act No. 755, 1967 Regular Session (Acts of Alabama 1967, Vol. II, p. 1609), as amended, entitled "To provide Supernumerary Tax Collectors, Tax Assessors, License Commissioners, or other elected officials charged with the assessment and/or collection of any ad valorem taxes in the various counties of the State of Alabama; describing their duties, setting up their requirements and qualifications; fixing their compensation; status and tenure of office; and providing for the payment of their salaries," so as to provide further for the requirements, qualifications and compensation for such Supernumerary Tax Collectors, Tax Assessors and License Commissioners, or other elected officials charged with the assessment and/or collection of any ad valorem taxes in this state, in the various counties of the State of Alabama having a population of less than 600,000 inhabitants.

Was taken up.

## CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:25 A.M. On February 10, 1977

H. J. R. 15

H. J. R. 16



REGULAR SESSION  
4th Day

251

H. J. R. 17  
H. J. R. 19  
H. J. R. 20  
H. J. R. 23  
H. J. R. 34  
H. J. R. 35  
H. J. R. 36  
H. J. R. 45  
H. J. R. 46  
H. J. R. 47

Delivered to the Governor at 12:05 P.M. On February 10, 1977

H. J. R. 12  
H. J. R. 13

JOHN W. PEMBERTON,  
Clerk.

ADJOURNMENT

On motion of Mr. Lutz, the House adjourned until 1:30 o'clock p.m.,  
Tuesday, February 15, 1977.

Yeas 48; Nays 43.

Yeas:

Messrs.: Albright, Andrews, Barron, Biddle, Boles, Brindley, Buskey, Carter, Cates, Clark, Crowe, Dial, Drake, Falkenburg, Gafford, Harris, Hilliard, Holley, Holmes (A), Holmes (D), Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Lee, Lewis, Lockett, Lutz, McCulley, Manley, Merrill, Mitchem, Moore (W), Morris, Robertson, Sasser, Shelton, Smith (J), Smith (M), Starkey, Trammell, Weeks, White, Williams and Wyatt.

—48

Nays:

Mr. Speaker, Armstrong, Baker, Callahan, Campbell, Carothers, Coburn, Cooper, Cross, Edwards, Folmar, Glass, Goodwin, Greer, Hall, Higginbotham, Hill, Hines, Jackson (F), Killian, Kinsey, Leonard, McCluskey, McMillan, McNair, McNees, Martin, Moore (O), Naramore, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Sandusky, Smith (B), Smith (C), Sonnier, Venable, Waggoner, Warren and Whatley.

—43

FIFTH DAY

House of Representatives  
Montgomery, Alabama  
Tuesday, February 15, 1977

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Ronald L. Richardson, Associate Pastor, First Baptist Church, Prattville, Alabama.

## ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—100

A quorum was present.

## REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fourth legislative day and finds the same to be correct.

TOM DRAKE,  
Chairman.

On motion of Mr. Callahan, the reading at length of the Journal of the House for the fourth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fourth legislative day was approved.

## LEAVES OF ABSENCE

At the request of Mr. Naramore, leave of absence was granted for Mr. Folmar due to illness, and for Mr. Crowe due to absence from the State on State business.

At the request of Mr. Buskey, leave of absence was granted for Mr. Kennedy due to illness.

## BILLS ON SECOND READING

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordere same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 587. (With Amendment): To authorize the collection by certain state officers of blood or urine samples from the bodies of persons who die under certain circumstances; and to relieve the officer of any civil liability which might be incurred by such collection.

H. 404. (With Amendment): A bill to regulate and promote the public health and to bring the laws of Alabama into conformity with PL 93-641, The "National Health Planning and Resources Development Act of 1974" (42USC300-k, et. seq); designate the State Board of Health as the State Agency to administer a Certificate of Need program relating to the provision of health care facilities and services in Alabama;

to control and regulate the development of health care facilities, and services in such manner and to such degree as to meet the needs of the people of Alabama; to provide a method of cost containment of health care costs; to authorize the State Board of Health to adopt necessary rules, regulations and standards for the review of proposed health care facilities and services and for the issuance of Certificates of Need to those persons proposing health care facilities and services; to designate the Statewide Health Coordinating Council as the agency to advise and consult with the State Board of Health in the promulgation and adoption of rules, regulations and standards, and for the administration of the Certificate of Need program; to establish a Health Facilities Review Council to conduct public hearings required and make recommendations to the State Board of Health on project applications and on rules, regulations and standards; and to prescribe penalties for violation of this Act and the rules, regulations and standards adopted pursuant thereto; to authorize the collection of application fees and to authorize appropriations for the administration of the Act.

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 573. To provide that an inter vivos transfer of assets such as money, land, or buildings is void if it leaves the transferor without means to provide for his subsistence and he did not reserve to himself for life enough from that transfer to provide for his subsistence.

Mr. Kinsey, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 302. To establish a pension fund for Alabama fire fighters to be known as the Alabama Fire Fighters Pension Fund; to prescribe conditions for joining, withdrawing from, and continuing membership in the fund; to regulate the payment of pensions and benefits from the fund; to provide for the management and administration of the fund by a board of trustees; to prescribe the membership of the board, to provide for the election and terms of office of members thereof, and prescribe their powers and duties; to establish the office of secretary-treasurer of such board, provide for his employment, his salary, and his bond; and for the purpose of financing the fund to levy and provide for the collection of an additional tax on all policies insuring against the perils of fire in fire protected areas, to fix membership dues, and authorize gifts, contributions and donations to the fund.

Mr. Carter, Chairman of the Standing Committee on Conservation, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 206. To amend Section 11 of Act No. 551, Regular Session 1975 (Acts of 1975, p. 1226), the act known as the "Alabama Surface Mining Reclamation Act of 1975," so as to provide that the Alabama Surface Mining Reclamation Commission will have authority and responsibility for promulgating and enforcing regulations pertaining to the use of explosives in coal surface mining operations in order to prevent injury to persons and property located outside the area permitted for coal surface mining.

H. 621. To further amend Title 8, Section 86, Code of Alabama 1940, as amended, so as to provide further for the nighttime hunting of raccoons and opossums.

H. 571. To amend Section 57 of Title 8, Code of Alabama 1940, as amended, and pertaining to the appointment of deputy game and fish wardens, the requirements for appointment as a deputy warden, establishing the duties of deputy wardens, authorizing the Commissioner to revoke appointments, and clarifying the status of deputy game and fish wardens.

H. 360. To amend Section 2 of Act No. 784, H. 316, 1953 Regular Session [Acts of 1953, p. 1069, as amended; now appearing in Code of Alabama, Recompiled 1958, Title 8, Section 81(15)] relating to the regulation of commercial fishing gear, so as to provide that all setlines, trotlines, snaglines or lawful fish traps shall be identified by attaching the license number, name and address of the owner of such lines and traps.

H. 471. To designate Johnstone's Crown Shell as the official state seashell for the State of Alabama.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 507. To amend Section 4 of Act No. 246, H. 871, 1976 Regular Session (Acts of 1976, p. 281), relating to purging the lists of registered voters in Colbert County and prescribing the procedure for the reidentification of registered voters; so as to increase the compensation paid members of the board of registrars and to make this act retroactive.

H. 513. Relating to Escambia County, Alabama allowing the municipal governing bodies of the City of Brewton located in such County to determine the closing hours for places selling alcoholic beverages within its city limits and police jurisdiction.

H. 593. Relating to counties having a population of not less than 38,100 and not more than 40,500 according to the 1970 or any subsequent federal decennial census; providing for the payment of an expense allowance for the members of the county board of education of said counties.

H. 533. Relating to the First Judicial Circuit; to further regulate the compensation of the court reporters for said circuit.

Mr. McNair, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 7. To amend the Title and Section 1 of Act No. 1006, H. 111, 1973 Regular Session (Acts of 1973, p. 1541), entitled, "An Act Relating to counties having a population in excess of 600,000 inhabitants; providing that automotive parts businesses, antique dealers, flea markets, gift shops, and shops operated at hospitals, public parks, public airports, public auditoriums and civic centers or bowling alleys in such counties may operate on Sunday," so as to provide that organized trade shows in which no retail sales to the public are permitted and which shows are sponsored by the area chamber of commerce, may operate on Sunday.

H. 189. Relating to Jefferson County; to authorize the Jefferson County governing body and municipal governing bodies within Jefferson County to regulate the use of explosives for surface mining activities within their respective police jurisdictions.

H. 193. To amend the Title and Sections 2 and 13 of Act No. 79, H. 99, 1966 Special Session (Acts of 1966, p. 106), as amended, entitled "An Act To provide in Jefferson County, Alabama, for the creation and maintenance of districts for fighting or preventing fires, districts for the collection and disposal of garbage and districts for both of the aforesaid purposes; to provide that any such district may be created for any area upon the conditions and in the manner provided for in the act; to provide that upon the petition of at least 100 qualified electors residing within any proposed district the probate judge shall call an election at which there shall be submitted to the qualified electors residing within the proposed district the question of whether the proposed district shall be created; to provide what the petition for such election shall contain; to provide for the time and the conduct of such election; to provide that the county shall pay the expense of conducting such election; to provide that if the district is created the district shall reimburse the county for the expenses incurred by the county in respect to the election; to provide that after a district has been established the district shall pay the expense of any election held in the district or held in any area which it is proposed be added to the district; to provide that no district shall be created unless the creation thereof has been approved by the majority of votes cast at the election; to provide that if the creation of the proposed district is approved by the majority of votes cast at the election, the proposed district shall be created and shall constitute a public corporation; to provide that a district may be enlarged by the inclusion of additional area therein, provided the inclusion of such area in the district is approved by the majority of votes cast by the qualified electors residing within the proposed additional area; to provide for the time and conduct of such election; to provide that the affairs and business of the district shall be managed by a board of trustees consisting of five members appointed by the governing body of the county; to provide for the terms of office of the members of the board; to provide that the board of trustees shall elect from its own number a president and a secretary; to provide that the members of the board of trustees shall not be entitled to any compensation for their services but shall be entitled to reimbursement for all expenses incurred by them in the performance of their duties; to define the rights, powers and authority of the districts; to authorize any such district to pledge all or any part of its revenues, or to mortgage or otherwise encumber all or any part of its property for the purpose of securing the payment of the principal of and interest on any of its obligations; to authorize any such district to levy and collect service charges as provided for in the act and, subject to the limitations prescribed in the act, to provide that no such service charge shall be levied unless the same is first approved by a majority of the votes cast at an election held by the qualified electors residing within the district; to provide for the dissolution of any such district; to provide that the provisions of the act are severable; to repeal all laws, or parts of laws, in conflict with the act; and to provide when the act shall take effect," so as to provide for including medical rescue systems and services in fire fighting or prevention districts and to provide that any service charge to pay for such services or any increase thereof shall not be effective unless adequate prior public notice thereof has been given, and if an election thereon has been petitioned for by the electors of the district, such proposed charges must be approved by a majority of the qualified voters voting in an election held in a district.

H. 194. To amend further Constitutional Amendment 239, proposed by Act No. 132, H. 178, 1964 First Special Session (Acts of 1964, p. 187), as amended by Amendment 314 of the Constitution of Alabama of 1901, proposed by Act No. 506, H. 1406 of the 1971 Regular Session (Acts of 1971, p. 1230), so as to provide for the formation of districts in Jefferson County to provide fire fighting and prevention and medical rescue systems and services, and garbage collection and disposal systems and services; and to permit the legislature to authorize such districts to establish and collect charges for such systems and services, provided, however, such charges or any increase thereof shall not be effective unless adequate prior public notice thereof has been given and, if an election on the proposed charges have been petitioned for by the electors of the district, the same are first approved by a majority of the votes cast in an election held by the qualified electors residing within the district.

The above bill was read a second time at length as required by the Constitution.

H. 201. Relating to Jefferson County; to authorize the county governing body and governing bodies of municipalities within the county to regulate surface mining activities within their respective police jurisdictions.

Mr. McNair, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 202. (With Amendments): To authorize the Jefferson County governing body to levy and collect, in addition to all other taxes heretofore imposed by law, a county excise and privilege tax on every person severing coal within the county; to provide that the proceeds collected therefrom be deposited in the county treasury; to authorize the county governing body to use such proceeds to repair county roads and certain municipal streets and avenues; to prohibit the expenditure of such funds for bonded indebtedness or road equipment of any nature; to authorize the county governing body to inspect the books of each person severing coal and to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this act; and to prescribe penalties for the violations of the provisions of this act.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 147. To authorize and direct the Cullman County Commission to levy and provide for the collection of an additional tax on motor fuels, and to provide for distribution and use of the proceeds from the tax.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 406. (With Amendment): To permit banks now or hereinafter situated in, or having a branch in, Etowah County to establish, maintain

and operate branch banks and branch offices within the limits of said county for the conduct of a general banking and trust business; and to repeal conflicting laws.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 555. To prohibit the sale, the offering for sale or the use of steel leg-hold traps designed for capturing wild animals in any county having a population of not less than 50,000 nor more than 52,500 inhabitants according to the 1970 or any subsequent federal decennial census; and to prescribe penalties for violations.

H. 556. To prohibit the killing of any fox except in the course of hunting on horseback or if the animal is caught committing or attempting to commit depredation to livestock or poultry or is a menace to the health and safety of a human being, in any county having a population of not less than 50,000 nor more than 52,500 inhabitants according to the 1970 or any subsequent federal decennial census.

#### INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Messrs. Brindley and Jolly (With Notice and Proof):

H. 628. Relating to Blount County; to authorize the county commission, within its sole discretion, to employ and set the salaries of such clerical assistants as the tax assessor, tax collector and probate judge may recommend for their respective offices.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 628, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Callahan:

H. 629. To give to the agents and officers of the Alcoholic Beverage Control Board the authority to enforce the Controlled Substances Act, and to give to the Alcoholic Beverage Control Board, the agents and officers of the Department of Public Safety, the drug inspectors of the State Board of Pharmacy, and the drug and narcotic agents and inspectors of the Department of Public Health the authority to obtain and execute search warrants for the search and seizure of prohibited substances under the Controlled Substances Act.

Judiciary.

By Mr. Callahan:

H. 630. A bill to create a fund known as the "Cost of Evidence Fund" in the amount of ten thousand dollars to be used by the Alabama Alcoholic Beverage Control Board for the procurement of evidence to aid in the criminal enforcement of the laws of this State. Monies to be expended for this fund shall be paid from the funds appropriated to the Law Enforcement Division of the Alabama Alcoholic Beverage Control Board for "other expenses."

Ways and Means.

By Mr. Callahan:

H. 631. This bill amends Title 29, Section 1(g)-1, Code of Alabama, by providing that wine as defined in Title 29, Section 9 (j), Code of Alabama, shall not be classified as intended for use or used for culinary purposes unless it has been rendered unfit for beverage use by the addition of salt or other material making it nonpotable.

Ways and Means.

By Mr. Owens (With Notice and Proof):

H. 632. Relating to Tuscaloosa County; levying an excise and privilege tax on the severance of coal in said county; providing for the collection, payment, and administration of such tax; and providing for the use of the proceeds of the tax.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 632, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Cross:

H. 633. To further amend the "Alabama Water Management Act," viz: Act No. 685, S. 364 of the Regular Session of 1965, [Acts of Alabama 1965, Regular Session, Vol. II, p. 1246, now appearing in the Code of Alabama Recompiled 1958 as Title 2, Sections 273(1) to (58)] entitled "An Act To provide for the establishment of works of improvement for the drainage of wet, swamp, and over-flowed lands of the State, and for flood prevention or the conservation, development, utilization and disposal of water within the State; to authorize the organization of water management districts; to confer the right of eminent domain to the extent necessary to carry out the purposes of this Act; to provide for raising revenue by taxation and bond issue to pay the costs and expenses of carrying out the purposes of this Act; designating drainage districts as water management districts; prescribing penalties; and repealing Code of Alabama 1940, Title 2, Sections 208-262" by further amending Section 5 of the Act, and by amending Sections 6, 14, 17, 19, 20, 21, 23 and 24, of the Act which relate to certain procedural aspects incident to the organization of Water Management Districts.

Conservation.

By Messrs. Armstrong, Gafford, Moore (O), Andrews, Owens and Lutz:

H. 634. To exempt all county and municipal retirement plans and any benefits thereunder from any state or municipal tax.

Ways and Means.

By Mr. Gafford:

H. 635. To amend Title 5, Section 27, Alabama Code, so as to provide that call reports shall be transmitted by each state bank to the superintendent of banks within thirty days after the receipt of a request therefor from him; to provide further that any state bank failing to transmit such call report within the thirty-day period shall pay a penalty to the state banking department for one hundred dollars per day.

Banking.

By Mr. Gafford:

H. 636. To amend Title 5, Section 185, Alabama Code, relating to directors of banks or trust companies doing a banking business organized



**REGULAR SESSION**  
**5th Day**

259

under Alabama law; to change the residence requirements by providing that at least three-fourths of the directors of every such bank or trust company shall meet one of the following requirements: (a) They shall reside in the State of Alabama. (b) They shall reside outside the State of Alabama, but within fifty miles of the principal place of business of such bank or trust company.

**Banking.**

By Mr. Sparks (With Notice and Proof):

H. 637. Relating to Cullman County; to reorganize the structure of the county commission in said county by providing for the election of the county commission by the county at large and prescribing residence requirements for the commissioners from the districts herein defined.

**Local Legislation No. 1.**

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 637, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

**JOHN W. PEMBERTON, CLERK**

By Mr. Lockett:

H. 638. To provide for the qualifications and selection of jurors; to provide for a master list, master jury box and trial court box; to provide for qualification forms and the questionnaires to be used thereon; and to repeal Sections 3, 4, 15, 18, 20, 21 and 24 of Title 30 of the Code of Alabama.

**Judiciary.**

By Mr. Drake:

H. 639. To amend Act No. 765, H. 314, Regular Session 1973, (Acts 1973, p. 1147, now appearing in Code of Alabama Recompiled 1958, Title 36, Sections 167-217) entitled "An Act Relating to motor vehicles: To provide means for the recovery of stolen motor vehicles by requiring the registration of ownership of and liens upon motor vehicles with the State Department of Revenue; to provide for and regulate the issuance of certificates of title and the notation thereon of liens; to require the maintenance of records relative to certificates of title and notation of liens thereon; to grant certain powers and authority to and impose certain duties on the State Department of Revenue and to impose penalties for violations of this Act; to appropriate funds to be used in the administrations of this Act" to authorize certain law enforcement officers to examine identification or serial numbers of certain vehicles.

**Judiciary.**

By Mr. Drake:

H. 640. To rename the Intelligence Unit within the Department of Public Safety and to create the Organized Crime Intelligence Unit.

**State Administration.**

By Mr. Drake:

H. 641. To provide for the establishment of a reserve state trooper force and places said reserve state troopers under the direction of the director of the Department of Public Safety or a member of the Alabama State Troopers and provides said reserve state troopers with the authority to carry firearms and provides insurance coverage and provides for travel expenses to be paid by the Department of Public Safety.

**Ways and Means.**

By Mr. Pegues:

H. 642. To amend Section 36 of Title 23, Code of Alabama (1940), which provides for the highway department to regulate and control the placing of markers, signs, and advertising on the right-of-way of all state controlled highways; to prohibit the placing of any commercial sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise on the right-of-way of any road, highway or bridge which is a part of the state highway system whether title to said right-of-way be vested in the State of Alabama in fee, by easement, adverse possession, prescription or by any other means in which title may vest; provide for removal of said signs and penalty for the violation of any provision of this act, and to repeal any and all laws that conflict with any provision of this act.

Highway Safety.

By Mr. Biddle:

H. 643. To authorize the State of Alabama to levy and collect, in addition to all other taxes heretofore imposed by law, an excise and privilege tax on every person severing coal or lignite within the State of Alabama; to provide that the proceeds collected therefrom be deposited with the Department of Revenue and that thereafter (1) a portion of said tax be distributed to each municipality within the police jurisdiction of which such severance occurred in an amount based on the tax collected from the coal and lignite severing operations within such police jurisdiction provided that where such severance is not within the police jurisdiction of a municipality, then a portion of such tax shall be distributed to the county in which such severance occurred; (2) a portion of said tax to be distributed to the State Highway Department; to establish procedures for the distribution of such funds by the Department of Revenue; to authorize the Department of Revenue or its authorized agents to inspect the relevant books of each person severing coal or lignite and to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this Act; to prohibit, and make null and void, the enactment and implementation by county, municipal or other taxing authorities severance taxes inconsistent with or additional to the provisions of this Act and to effect the repeal of any laws previously passed authorizing the implementation or enactment of any such tax; and to prescribe penalties for the violations of the provisions of this Act.

Ways and Means.

By Mr. Callahan:

H. 644. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, to authorize the state to tax the severance of coal at a rate not to exceed 25 cents per ton and to prohibit the levy of such taxes by political subdivisions of the state.

Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Mr. Johnson:

H. 645. Relating to counties having a population of not less than 110,000 nor more than 150,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide for the salaries and expense allowances of certain county officers in such counties.

Local Legislation No. 1.

REGULAR SESSION  
5th Day

261

By Messrs. Rich, Taylor, Martin, Dial, Jackson (F), Starkey, Crawford, Glass, Sasser, Carter, Cross and Gregg:

H. 646. To amend Sections 3, 9, and 12, of Act No. 2479, H. 2083, Regular Session 1971, known as the Alabama Worthless Check Act, in order to change the definition of "notice", as used in this Act; to reduce the time given the drawer to pay the amount due on a check after receiving such notice; to make the offenses in Category III and any third and subsequent offense in any category a felony, with a mandatory fine and prison sentence for third and subsequent offenses; to require the courts to order restitution as a part of all sentences, and to require court costs to be assessed to the defendant.

Judiciary.

By Mr. Rich:

H. 647. To authorize the Highway Director to administer programs relative to mass transportation in rural and urban areas, to oversee federal assistance, to perform mass transit planning, to provide technical assistance to local entities for formulating transit projects; to assure that transit projects are in accordance with the comprehensive transportation planning process, to expend state funds apportioned by the legislature from time to time for mass transit, to develop and promulgate rules and regulations, and to administer mass transit programs with flexibility found to be in the public interest enacted by the Legislature of Alabama.

Ways and Means.

By Mr. Wyatt:

H. 648. To amend further Section 3 of Act No. 1945, H. 584, Regular Session 1971 (Acts 1971, p. 3143), as last amended, which provides for and regulates the employment of county engineers so as to provide that the county engineer in certain counties need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of the county engineer's salary.

Local Legislation No. 4.

By Mr. Wyatt:

H. 649. To amend Act No. 1584 of the 1971 Regular Session which pertains to any county in this state having a population of not less than 150,000 nor more than 180,000, so as to provide that the local costs of operations of the family relations division of the circuit court shall be borne, share and share alike, by the county and the most populous city in the county.

Local Legislation No. 4.

By Messrs. Campbell, Pegues, Lockett, Cross, McCulley, Martin, Roberts and Shelton:

H. 650. To amend Act No. 751, Acts of Alabama, 1965 Regular Session, relating to the cost of purchasing non-resident hunting licenses, exempting non-residents under the age of sixteen (16) from having to purchase hunting licenses.

Conservation.

By Mr. Howard:

H. 651. Relating to all counties having populations of not less than 115,000 nor more than 150,000 according to the 1970 or any subsequent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in said county.

Local Legislation No. 1.

By Mr. Plaster:

H. 652. Relating to counties having a population of not less than 24,000 nor more than 24,800 inhabitants according to the 1970 or any subsequent federal decennial census; to provide additional compensation for the Board of Registrars in an amount to be set by the County Commission, within certain limits; to make the provisions of this act retro-active.

Local Legislation No. 1.

By Mr. Sasser:

H. 653. To amend Code of Alabama (1940), Title 52, Section 62 to clarify authority of county boards of education to administer and supervise schools so as to broaden such authority.

State Administration.

By Mr. Sasser:

H. 654. To amend Code of Alabama (1940), Title 52, Section 158 to clarify authority of city boards of education to administer and supervise schools so as to broaden such authority.

State Administration.

By Mr. Sasser:

H. 655. To provide for the cooperation and continuing legal education of attorneys who represent public boards and agencies; to authorize public boards and agencies to expend funds for such purposes.

State Administration.

By Mr. Sasser:

H. 656. To amend Code of Alabama, 1940, Title 35 Section 187, relating to the corporate body of the Armory Commission, so as to extend the succession of its corporate name from thirty years to as long as there exists in the state of Alabama a National Guard or Militia of Alabama.

Military Affairs.

By Messrs. Carothers and Smith (J):

H. 657. Relating to all counties having a population of not less than 56,500 nor more than 59,000 inhabitants according to 1970 or any subsequent federal decennial census; to further regulate the assessment and collection of ad valorem taxes on certain real properties in such counties which have been improved with a new residential structure constructed for re-sale or rental purposes.

Local Legislation No. 1.

By Mr. McCorquodale:

H. 658. To amend the title and Sections 1, 2, 3 and 4 of Act No. 917 of the 1969 Legislature (Acts of Alabama, Regular Session 1969, p. 1653) so as to provide for the collection by the state department of revenue for such cities and towns of sales and use taxes on food purchased for human consumption that will be prepared and consumed off said premises and on sales or prescription drugs, regardless of exemptions on such food sales and prescription drug sales that might be now or hereafter provided in the sales and use tax laws of the State.

State Administration.

By Mr. McCorquodale:

H. 659. To further amend Section 1 of Act No. 203, S. 131 Special Session 1965 (Acts of Alabama, Special Session 1965, p. 272), as amended

by Act No. 176, H. 192, Special Session 1969 (Acts of Alabama, Special Session 1969, p. 242), relating to the collection and enforcement by the state department of revenue of certain privilege license taxes levied by cities and towns, so as to include taxes on rentals of rooms, lodgings and accommodations, so that certain privilege license taxes will continue to be collected on sales of food purchased for human consumption that will be prepared and consumed off said premises and on sales of prescription drugs, regardless of exemptions on such food sales or prescription drug sales that might be now or hereafter provided in the sales and use tax laws of the State.

State Administration.

By Mr. McCorquodale:

H. 660. To provide that certain privilege, sales and use taxes levied for any county in the State of Alabama and collected by the state department of revenue, shall be subject to all definitions, exceptions, exemptions (provided, however, that such exemptions shall not include food that is to be prepared and consumed off premises and prescription drugs), proceeding, requirements, provisions, penalties, fines, punishments, and deductions as are provided by Act No. 100, H. 94, Second Special Session 1959, as amended or as the same may hereafter be amended, except where inapplicable or otherwise provided and Article 11, Chapter 20, Title 51, Code of 1940, as amended, or as the same may hereafter be amended, except where inapplicable or otherwise provided.

State Administration.

By Messrs. Moore (O), Waggoner and Smith (C):

H. 661. To apply only in the Circuit Court of the Eighteenth Judicial Circuit; to provide that in such court the parties to any action, except prosecutions for capital felonies, may at any stage of a trial then pending and whether the jury has retired or not, unanimously consent with legal effectiveness to the discharge from further duty of any member of the jury trying the case; and to a continuation of the trial and the rendition of a verdict by the remaining jurors; and to further provide that in such courts and in such actions the parties may, prior to the commencement of a trial unanimously stipulate in open court with legal effectiveness that in the event it becomes necessary during the pendency of the trial, whether the jury has retired or not, for the Court to discharge from further duty any member of the jury trying the case because of the juror's sickness or other good cause, the trial shall continue with a verdict be rendered by the remaining jurors.

Judiciary.

By Messrs. Moore (O), Waggoner and Smith (C):

H. 662. To amend Section 1 of Act No. 106, H. 173, 1967, Special Session (Acts of 1967, vol. 1, p. 138) relating to the employment of a stenographic secretary for the District Attorney of the 18th Judicial Circuit of Alabama so as to increase the salary of said secretary at the discretion of the Shelby County Commission or other governing body of said county of not less than \$6,000.00 per annum.

Local Legislation No. 1.

By Messrs. Moore (O), Waggoner and Smith (C):

H. 663. To regulate further the excusing of persons from jury service in the Eighteenth Judicial Circuit; to require persons excused

from jury service at one time to serve at a subsequent time; and to regulate the compensation of jurors who serve under certain conditions.

Local Legislation No. 1.

By Mr. Holley:

H. 664. Relating to voter registration; providing an alternate method of registering electors of this state; authorizing the office of the judge of probate to accept voter registration applications and requiring certain duties from the judge of probate therefor.

Constitution and Elections.

By Mr. Holley:

H. 665. To further regulate voter registration; to provide for the suspension of the voter's registration and rights when a registered voter fails to vote in at least one election for which he was eligible, held during the preceding four (4) years; and to provide for the reidentification procedure for such person.

Constitution and Elections.

By Messrs. Kinsey and McMillan:

H. 666. Relating to all counties having a population of not less than 57,000 nor more than 61,000 inhabitants according to the 1970 or any subsequent federal decennial census; providing for an additional expense allowance for the probate judge, tax assessor, tax collector, county commissioners and sheriff.

Local Legislation No. 1.

By Messrs. Kinsey and McMillan:

H. 667. To exempt all volunteer fire departments from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Messrs. Kinsey and McMillan:

H. 668. Relating to any county having a population of not less than 57,000 nor more than 61,000 according to the 1970 or any subsequent federal decennial census; exempting all volunteer fire departments within any such county from the payment of all state, county and municipal sales and use taxes.

Local Legislation No. 1.

By Messrs. Dial, Mitchem and Cates:

H. 669. To name the new National Guard Armory in Guntersville, Alabama, "The Robert M. Kelley, Jr. National Guard Armory."

Military Affairs.

By Mr. Armstrong:

H. 670. Relating to counties with populations of 400,000 or more; to amend Section 22 of Act No. 248, H. 580, 1945 Regular Session (Acts of 1945, p. 376) as amended, now appearing in Code of Alabama Re-compiled 1958, Article 130, Section 666, relating to a civil service system, so as to change the procedure for appeal in such system.

Local Legislation No. 2.

By Mr. Smith (J):

H. 671. To provide the county commission in all counties having a population of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census, with

authority to employ appraisers, mappers, and clerical personnel to maintain current evaluation of all real property and valuation of personal property within the county.

Local Legislation No. 1.

By Messrs. Higginbotham, Gafford, Biddle, Merrill, Owens, and Baker:

H. 672. To abolish the state department of youth services and provide for the transfer of all its functions, funds, powers, duties, responsibilities, and property to the state department of education; to provide for the transfer of all the functions, funds, powers, duties, responsibilities and property of the youth services board to the state board of education; to provide that the youth services board shall continue in an advisory capacity to the state board of education in matters relating to the rehabilitation of delinquent youth; to provide for the appointment and pay of such members; to provide for the continued treatment, education and disposition of youth in the custody of the department of youth services; to authorize the state superintendent of education to combine or abolish certain positions and responsibilities within the said youth services and to employ persons within or without the merit system, for any new positions; and to make an appropriation out of the special educational trust fund to carry out the provisions of this act.

Ways and Means.

By Mr. Boles:

H. 673. To require municipal corporations or any political subdivision of the State of Alabama to provide defense and indemnity for employees who may be sued for damages arising out of the performance of their official duties and while in the course of their employment, and to authorize the obtaining of liability insurance to cover such employees.

Local Government.

By Messrs. Killian, Starkey Riddick, Leonard, Martin, Carter, Sparks, Kelley, Quarles, McNair, Shelton, Owens, Gafford, Drake, Turnham, Wyatt, McCulley, Hines, Harrison, Howard, Johnson, Smith (J), Hopping, Cooper and Holmes (A):

H. 674. To provide certain trapping regulations and penalties for violations thereof.

Conservation.

By Messrs. Biddle and Waggoner:

H. 675. To amend Section 19 of Act No. 248 of the Regular Session of the Legislature of 1945 (General Acts of Alabama 1945, p. 376, et seq.), to provide for the rate at which Merit System Employees shall earn annual vacation and to provide for the rate at which Merit System Employees shall earn sick leave and to also provide for the payment of earned sick leave at retirement or termination.

Ways and Means.

By Messrs. Greer, Hill, Quarles, Riddick, Coburn, Goodwin, Killian, Taylor, Ford, Gregg, Brindley, Weeks, Starkey, McNees, Carter, Cross, Edwards, Trammell, Holmes (D), McMillan, Callahan, White, Moore (O), Lutz, Sonnier, Smith (B), Albright, Harrison, Roberts, Drake, Martin, Baker, Kelley, Glass, Johnstone, Sandusky and Sparks:

H. 676. To provide further for the distribution of payments made by the Tennessee Valley Authority under federal statutes among the

counties served by the Tennessee Valley Authority on a proportionate basis according to revenue generated by the Tennessee Valley Authority power sales in such counties and to provide retroactive effect to October 1, 1976.

Ways and Means.

By Messrs. Greer, Johnson and Cross:

H. 677. To provide that any local city or county board of education be allowed to shorten the minimum number of school days for the 1976-1977 school year only up to a maximum of ten days because schools were closed due to ice, snow, inclement weather or gas shortage.

Education.

By Messrs. Jackson (R), Hill and Morris:

H. 678. To provide for the compelling of testimony by a witness on court or grand jury proceedings upon a grant of use immunity.

Judiciary.

By Messrs. Jackson (R), Tucker, Hilliard, Hill, Killian and Morris:

H. 679. To amend Title 30, Section 86 and Title 13, Section 263 of the Code of Alabama, Recompiled 1958, pertaining to the keeping of a record of the evidence presented to a grand jury.

Judiciary.

By Mr. Shelton:

H. 680. To amend Act No. 84, S. 83, Special Session 1961 (Acts 1961, p. 2001), now incorporated into the Code of Alabama 1940, Recompiled 1958 in Title 3, Section 11(1), relating to the taking of mistreated animals by certain officers of the humane societies, so as to require such officers to obtain a circuit court order prior to taking such animals.

State Administration.

By Mr. Shelton:

H. 681. To provide a cost of living increase to the spouse of certain deceased members of the Teachers' Retirement System of Alabama who are receiving a survivor allowance; to provide for retroactive effect; and to provide for necessary and proper appropriations.

Ways and Means.

By Mr. Biddle:

H. 682. To amend Act No. 551, Regular Session 1975, known as the "Alabama Surface Mining Reclamation Act of 1975" by adding conflict of interest restrictions to Section 4(2) A(b) of that Act.

State Administration.

By Messrs. McNees and Owens:

H. 683. Regulating further license plates to be used on motor vehicles; providing for distinctive license plates for vehicles owned by members of certain organizations; and exempting such members from privilege or license tax and registration fees levied on automobiles and motor vehicles.

State Administration.

By Messrs. Gregg, Coburn, Lutz, Carter, Albright, Smith (B), Greer, Turnham, Hill, Riddick, McNees, Falkenburg, Moore (O), Trammell, Harrison, Jackson (R), Jolly, Armstrong, Waggoner, Gafford, Boles,



Tucker, Hall, Porter, Dial, Hopping, Howard, Naramore, Martin, Roberts, Cross, Kelley, Killian, Starkey, Edwards, Rich, Weeks, Taylor, Ford, Baker, Williams, Carothers, Crawford, Sasser, Reed, McNair, Holmes (D), Shelton, Cooper, Holmes (A), Glass and Sandusky:

H. 684. To amend Sections 39, 40 and 41 of Title 8, Code of Alabama of 1940, by providing for certain increases in non-resident fishing license fees; establishing an issuance fee for non-resident licenses; providing for the distribution of the revenue obtained by such increase, and provides for the deletion of any reference as to race from the application for said licenses.

Conservation.

### RESOLUTIONS

The following resolutions were introduced:

By Messrs. Baker, Smith (M), Whatley, Turnham and Higginbotham:

H. R. 60. MOURNING THE DEATH OF JOHN HARVEY BAKER.

WHEREAS, the Alabama Legislature was saddened to learn of the tragic and premature death of young John Harvey Baker of Smiths on February 2, 1977, at Columbus Medical Center in Columbus, Georgia; and

WHEREAS, John Baker, who was only fifteen years of age, had sustained multiple, grave injuries as the result of a bicycle accident on January 23rd, he fought valiantly for life for almost two weeks, despite the fact that his condition worsened daily; and

WHEREAS, he was a fine and outstanding student at Smiths Station High School, and was a valued member of his school's baseball team, who had ambitions of becoming a professional baseball player, yet in this life was denied his dreams by an untimely death; and

WHEREAS, John was known and admired for his outgoing personality, warmth and friendliness, and enviable wit and was beloved of family and friends, he will be sorely missed by all; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That we do deeply mourn and regret the untimely death of John Harvey Baker.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his parents, Mr. and Mrs. Harvey D. Baker, Jr., and to Smiths Station High School, that they may know of our deep sympathy and concern in their great loss.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 60, on the Clerk's desk for one legislative day.

Also:

By Messrs. Wyatt, Smith (C), Warren, McCulley, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lockett, Lutz, McCluskey,

McCorquodale, McMillan, McNair, McNeese, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Weeks, Whatley, White and Williams:

**H. J. R. 61. CONGRATULATING REPRESENTATIVE RUFUS LEWIS ON BEING NOMINATED FOR THE POSITION OF UNITED STATES FEDERAL MARSHAL.**

WHEREAS, our distinguished and esteemed colleague, Representative Rufus Lewis of Montgomery, who represents the 77th district, has been nominated by President Carter, on the recommendations of United States Senators John Sparkman and James Allen, for the position of Chief Federal Marshal here in Montgomery; and

WHEREAS, Representative Lewis, a graduate of both Alabama State and Fisk Universities is actively and deeply involved in the religious, civic and business affairs of his hometown, and has served in the past as Chairman of the Alabama Democratic Conference and as a member of the State Democratic Executive Committee; and

WHEREAS, he was elected to the Alabama House of Representatives from the 77th House district in 1974, and since that time, has served ably, diligently and enthusiastically, working long and hard for the enrichment of the needs of his district and for the progress and betterment of his entire state; and

WHEREAS, this body is aware, indeed, of the countless offices and positions that have been bestowed upon our respected associate in the House, and is mindful, too, that this Presidential nomination is truly an honor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate, and heap praise upon, Representative Rufus Lewis on being nominated United States Federal Marshal, with all good wishes for continued success in this new endeavor and in all future pursuits.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Lewis as a token of our esteem.

On motion of Mr. Wyatt, the rules were suspended and the resolution, H. J. R. 61, was adopted.

**NOTICE IN WRITING**

Mr. Morris filed the following Notice in Writing:

Having voted on the prevailing side by which House Bill 33 was carried over two legislative days on the last legislative day, I move that the vote by which said bill was carried over, be now reconsidered.

**RESOLUTIONS**

The following resolutions were introduced:

By Messrs. McCulley, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard,

Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

H. J. R. 62. MOURNING THE DEATH OF GROVER LAMAR AGEE

WHEREAS, the Alabama Legislature has learned with a sense of loss and deep regret of the death of Grover Lamar Agee of Chatom, Alabama; and

WHEREAS, Grover Agee, born March 9, 1921, at Campbell, Alabama, was educated in Campbell where he graduated from the Thomasville High School, then served his country with honor and distinction in the United States Army Air Force from 1942-1945; and

WHEREAS, he received his Degree in Pharmacy from Auburn University in 1951 and entered the practice of pharmacy in Chatom, subsequently serving on the City Council during 1950-1964, and as Mayor from 1964-1966; and

WHEREAS, Grover Agee was elected to the House of Representatives in 1966, serving his district and state with great ability and dedication from 1967-1974; and

WHEREAS, we shall sorely miss our beloved former colleague, a prominent and influential leader in the civic and religious life of his community and state whom we long admired and respected and were proud to call our friend; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do greatly mourn the death of Grover Lamar Agee and express our deepest and most sincere sympathy to his widow, Mrs. Barbara Inez Terry Agee, and his family to whom a copy of this resolution shall be sent.

On motion of Mr. McCulley, the rules were suspended and the resolution, H. J. R. 62, was adopted.

Also:

By Messrs. Smith (M), Baker and Higginbotham:

H. R. 63. WISHING THE SPEEDY RECOVERY OF MS. SUSAN WALKER

WHEREAS Ms. Susan Walker has been a prominent citizen of Barbour & Russell Counties for many years; and

WHEREAS, She has done much more than her pro rata share to promote the good life and well being of her fellow man; and

WHEREAS, She has served unselfishly and without remuneration or hope of worldly gain; and

WHEREAS, it has recently come to the attention of the State that Ms. Susan Walker has succumbed to ill health and is now recuperating;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That it does hereby take this opportunity to express grateful appreciation to Ms. Susan Walker for her public contributions; and

BE IT FURTHER RESOLVED, That the State does wish her a rapid and immediate recovery; and

BE IT EVEN FURTHER RESOLVED, That upon recovery, the State does request that Ms. Susan Walker re-enter public life and resume her traditional place of leadership.

On motion of Mr. Smith (M), the rules were suspended and the resolution, H. R. 62, was adopted.

Also:

By Mr. Biddle:

H. J. R. 64. PRAISING THE AWFUL TALENTS AND MANY ACCOMPLISHMENTS OF JOHN ED WILLOUGHBY.

WHEREAS, John Ed Willoughby, hereinafter referred to affectionately and loftily as John Ed, has joined with his partner, Tommy Charles, to wax eloquent with spontaneity and singular humor over the airways of WSGN-Radio, Birmingham and is sky-rocketing the "T. C.—John Ed" show to the top of the ratings; and

WHEREAS, John Ed survived his accident prone early years in the West End area of Birmingham to go on to Baylor in Chattanooga for a period of two years, during which time he participated in all sports, was president of his freshman class and chairman of the Junior Honor Council, all a matter of record though considered doubtful by his boon companion, T. C.; and

WHEREAS, during the following years at West End High School, John Ed played football, basketball and baseball, was voted wittiest of the class—and that was a bad mistake, according to T. C.; was named to the All-City basketball team, and in 1953 played so well in the East-West baseball game that he was sought out by five major league scouts; fortunately (?) for T. C., he decided against such a career; and

WHEREAS, upon leaving the University of Alabama, Big John Ed became a furniture entrepreneur, and shortly thereafter got into a sideline that mushroomed into a side-splitting meeting of wit and wisdom with side-kick, T. C.; and

WHEREAS, this man of many faces can count among his talents—but using his fingers, says T. C.—those of after-dinner speaker, writer of stage and radio material, nightclub emcee, and bright and shining star of his top-rated radio show; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly praise and commend John Ed Willoughby of Birmingham, Alabama for lovingly and brilliantly giving of himself to others—a gift of laughter to his friends and fans who know, through him, that "the best of healers is good cheer."

BE IT FURTHER RESOLVED, That copies of this resolution be sent to John Ed and his wife, Jean, to their son, "J"—and to T. C. for lining his bird's cage.

On motion of Mr. Biddle, the rules were suspended and the resolution, H. J. R. 64, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 22. JOINING THE ALABAMA DEMOCRATIC CONGRESSIONAL DELEGATION IN RECOMMENDING AND URGING THE APPOINTMENT OF MR. CHARLES R. MITCHELL TO FILL THE VACANCY CURRENTLY EXISTING ON THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY.

Also:

S. J. R. 240. CONTINUING THE COMMITTEE CREATED BY ACT NO. 755, HJR 326, OF THE 1976 LEGISLATURE AND POSTPONING THE DAY FOR FILING ITS FINAL REPORT AND EXTENDING THE EXISTENCE OF SAID COMMITTEE.

McDOWELL LEE,  
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

RESOLUTIONS

The following resolutions were introduced:

By Messrs. Shelton and Merrill:

H. R. 65. MOTION TO AMEND RULES

Pursuant to the notice in writing previously given, I move that Rule No. 43 of the Rules of the House be amended to read as follows:

Rule 43. The following shall constitute the standing committees of the House:

- (1) Rules
- (2) Ways and Means
- (3) Judiciary
- (4) State Administration
- (5) Business and Labor
- (6) Health
- (7) Banking
- (8) Insurance
- (9) Education
- (10) Agriculture
- (11) Conservation
- (12) Public Welfare
- (13) Constitution and Elections
- (14) Commerce and Transportation
- (15) Local Government
- (16) Military Affairs
- (17) Highway Safety
- (18) Local Legislation No. 1
- (19) Local Legislation No. 2

- (20) Local Legislation No. 3
- (21) Local Legislation No. 4
- (22) Local Legislation No. 5 (which shall be composed of the Calhoun County Delegation)
- (23) Intergovernmental Cooperation

## MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Shelton to suspend the rules in order to take up for immediate consideration the resolution, H. R. 65, lost.

Yeas 3; Nays 3.

Yeas: Messrs.: Gafford, Merrill and Shelton. —3

Nays: Messrs.: Holmes (D), Quarles and Sasser. —3

Also:

By Messrs. Smith (B), Riddick, Lutz, Gregg, Albright, Moore (W) and Martin:

H. J. R. 66. TO NAME THE CENTER FOR ENVIRONMENTAL AND ENERGY STUDIES AT THE UNIVERSITY OF ALABAMA IN HUNTSVILLE, ALABAMA IN HONOR OF DR. KENNETH E. JOHNSON.

WHEREAS, the idea of an Alabama Solar Energy Center in Huntsville to support state needs was conceived by Dr. Kenneth E. Johnson, Director of the Center for Environmental and Energy Studies at the University of Alabama in Huntsville; and

WHEREAS, Dr. Kenneth E. Johnson has been active in environmental and energy research studies and programs throughout the State of Alabama; and

WHEREAS, the State of Alabama now proposes to designate and implement a Solar Energy Center; and

WHEREAS, the unusual scope and integration of resources to be offered by the Alabama Solar Energy Center are a function of its distinctive nature as conceived by Dr. Kenneth E. Johnson; now, therefore:

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING; That the Center for Environmental and Energy Studies be named the Kenneth E. Johnson Environmental and Energy Center in honor of the late Dr. Kenneth E. Johnson.

BE IT FURTHER RESOLVED; That the proper authorities at said center shall cause the facility to be so designated by signs or otherwise.

On motion of Mr. Smith (B), the rules were suspended and the resolution, H. J. R. 66, was adopted.

Also:

By Messrs. Gregg, Smith (B), Albright, Lutz, Moore (W), Riddick and Martin:

H. J. R. 67. MOURNING THE DEATH OF DR. KENNETH E. JOHNSON

WHEREAS, The House of Representatives and the Senate, comprising the Legislative body of the State of Alabama, wishes to pause and pay tribute to an outstanding Alabama citizen, Dr. Kenneth E. John-

son, government leader, and his many contributions which have served the welfare of the people of our state, and who has in fact been instrumental in the progressive development of this state, and

WHEREAS, This legislature is desirous of recognizing these many contributions of this gentleman so that they become in fact a portion of the permanent records of the State of Alabama so that Alabamians in the future may come to know and recognize the benefits of this man's unselfish contributions, and

WHEREAS, the Legislature of Alabama, both Houses thereof concurring, are desirous of expressing their sympathies to this man's wife, Betty, and children, David, Susan, John and Jenny, and other survivors

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, That the following list of Dr. Kenneth E. Johnson's contributions become a part of history and recorded in the journals of this state:

Dr. Johnson served as President of the Huntsville City Council; Director of CCEs, a division of the University of Alabama Huntsville; his work with the Alabama Development Office in Montgomery; his position as Science Advisor to Governor George C. Wallace; as Secretary-Treasurer of the fifty-state National Governors' Council for Science and Technology; his chairmanship of the Alabama Regional Environmental Quality Council; his assistance in founding the Lincoln Girls' Club, and service as first chairman of that group; his leadership in the establishment of the auto check research facilities; his efforts in obtaining a three million dollar grant for the establishment of that facility; his progressiveness in presenting Huntsville to the Federal Government as a choice site for the Solar Research Institute; his service on the Board of Directors of the Salvation Army, and numerous other civic and technological activities; his assistance in the early planning of the Von Braun Civic Center, a recognized and applauded facility in Huntsville, Alabama; his foresight to recognize the need for environmental protection and work in the Alabama-Mississippi Sea Grant Management Committee; his instrumentality in providing revolutionary techniques for missile propellants for the Army Missile Command; his Christian service to mankind and his loving devotion to his family

BE IT FURTHER RESOLVED that copies of this resolution be presented his wife and family, and an additional copy of this resolution be sent the City of Huntsville as a lasting tribute to this great Alabamian.

On motion of Mr. Gregg, the rules were suspended and the resolution, H. J. R. 67, was adopted.

Also:

By Messrs. Sonnier, Sandusky, Callahan, Johnstone, Glass and Cooper:

H. J. R. 68. CONGRATULATING THE COACHES AND PLAYERS OF THE MURPHY HIGH SCHOOL PANTHERS FOR THEIR SUPERLATIVE EFFORTS DURING THE 1976 FOOTBALL SEASON.

WHEREAS, although beset with difficulties and deleterious injuries throughout the season, the Murphy High School Panthers did post a 10-3-1 record; and

WHEREAS, despite the difficulties encountered in their efforts, they did finish second in football in the State of Alabama; and

WHEREAS, although losing the final play-off game to an outstanding team from Mountain Brook, the Murphy High School Panthers did

play so well that their efforts were lauded by both press and fans as one of the greatest high school football games in the history of Alabama football; and

WHEREAS, this effort by the Murphy High School Panthers could not have been achieved without the untiring efforts of Head Coach Robert Shaw and his able assistants, who in addition to their teaching efforts did spend many extra hours with the team; and

WHEREAS, the players did put in many extra hours in addition to their academic efforts; and

WHEREAS, the students and faculty at Murphy High School did support the team in their efforts; and

WHEREAS, certain people such as Dr. John Douglas did devote much time in voluntary efforts to assist the coaches and players; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we pay tribute to the players, coaches and fans of the Murphy High School Panthers for the outstanding service that their efforts have done for this State, high school athletics and the people of Mobile County.

BE IT FURTHER RESOLVED, That we wish the coaches and players of the Murphy High School Panthers good fortune in their future efforts.

BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to Murphy High School, Coach Robert Shaw, and Dr. John Douglas.

On motion of Mr. Sonnier, the rules were suspended and the resolution, H. J. R. 68, was adopted.

Also:

By Mr. Moore (O):

H. J. R. 69. HONORING AND CONGRATULATING WILLIAM M. CLARK FOR FORTY YEARS OF MERITORIOUS SERVICE TO SHELBY COUNTY.

WHEREAS, William M. "Buck" Clark served approximately forty years as Assistant and County Agent in Shelby County, beginning with the Extension Service on January 26, 1937, as Assistant County Agent in 4-H activities; and

WHEREAS, his assignment was interrupted by World War II, during which time Captain Clark served his country commendably in the 31st Infantry Division in the South Pacific from 1941 through 1945; and

WHEREAS, after his tour of duty, he returned to Shelby County in November 1945, as Assistant County Agent, and in 1963, upon the retirement of A. A. Lauderdale, was named County Agricultural Agent for Shelby County, receiving in 1968 the Distinguished Service Award by the National Association of Agricultural Agents for local County Extension Programs; and

WHEREAS, Mr. Clark's further involvement in religious, civic and community affairs includes membership in the Columbiana United Methodist Church, a former member of the Columbiana Kiwanis Club which he served as president in 1949, Red Cross Fund Drive Chairman in 1949, and Shelby County Chairman of the Cancer Crusade in 1960-61; and



WHEREAS, "Buck" Clark of Columbiana, Alabama, has retired after devoting forty years of tireless and invaluable service to his county and state, and to his nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend William M. Clark for his service to others, congratulate him upon his retirement, and wish for him a long and continued life of happiness in all his future endeavors.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mr. Clark and his wife, Catherine Gay Clark, and to their daughter, Mrs. Gay Blalock.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 69, on the Clerk's desk for one legislative day.

Also:

By Mr. Smith (J):

H. J. R. 70. REQUESTING THE STATE BOARD OF PARDONS AND PAROLE TO REVIEW CASES INVOLVING INMATES WHO ARE SERVING EXCESSIVE SENTENCES FOR VIOLATION OF MARIJUANA LAWS AND WHOSE RELEASE WOULD NOT REPRESENT A THREAT TO SOCIETY.

WHEREAS court records and prison files indicate that many young offenders are serving excessive sentences in the State Penitentiary for violation of Marijuana laws; and

WHEREAS many of these young offenders have no prior criminal records suggesting that their release would not represent a threat to society; and

WHEREAS many of these offenses involved no use of violence or the threat of violence; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Board of Pardons and Paroles be requested to review all cases that fall into this category with a view toward releasing those deserving inmates whose release would be compatible with society's welfare.

On motion of Mr. Smith (J), the rules were suspended and the resolution, H. J. R. 70, was adopted.

Also:

By Mr. Manley:

H. J. R. 71. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, THAT when the two houses adjourn today they adjourn to meet again on Thursday, February 17, 1977, and that when they adjourn on Thursday, February 17, 1977, they adjourn to meet again on Wednesday, February 23, 1977, and when they adjourn on Wednesday, February 23, 1977, they will adjourn to meet again on Thursday, February 24, 1977.

On motion of Mr. Manley, the rules were suspended and the resolution, H. J. R. 71, was adopted.

## RESOLUTIONS

The following resolutions introduced on the fourth legislative day were read by title pursuant to Joint Rule 11:

H. J. R. 55. MOURNING THE DEATH OF ESLEY MULLENAX FLANAGAN.

S. J. R. 17. Condemning the U. S. S. R. for its refusal to adhere to the terms of the 1973 United Nations Declaration of Human Rights and the 1975 Conference on European Security and Cooperation.

S. J. R. 18. Mourning the death of Wilmer S. Poynor, Jr.

S. J. R. 19. Commending Joe Sewell on being elected to the Baseball Hall of Fame.

S. J. R. 21. Wishing Karen Lewis a happy birthday.

S. J. R. 23. Commending Clete Quick for his outstanding contributions to the North Alabama Legislative Council.

S. J. R. 235. COMMENDING AND PRAISING JERRY BOYD, TERRY SPAIN, BEVERLY BASHAM AND JIM RANKIN.

S. J. R. 236. COMMENDING AND PRAISING JIM ROMBOKAS AND GARY WHITLOW FOR BRAVERY.

On motion of Mr. Manley, the resolutions were adopted en masse.

## RESOLUTION

The following resolution was introduced:

By Mr. Manley:

H. R. 72. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when the House adjourns today it will adjourn to meet again on Thursday, February 17, 1977, at 10:00 A.M.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 72, was adopted.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 100. To adopt a Code of laws for the State of Alabama.

McDOWELL LEE,  
Secretary.

## BILLS ON THIRD READING

## H. 235 TEMPORARILY POSTPONED

On motion of Mr. Pegues, the bill, H. 235, was temporarily postponed.

And the bill:

H. 405. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Blountsville, in Blount County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Messrs.: Biddle, Brindley, Campbell, Carter, Coburn, Cooper, Cross, Edwards, Falkenburg, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Hopping, Howard, Jackson (F), Jolly, Kelley, Killian, Leonard, Lutz, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Rich, Roberts, Sasser, Shelton, Smith (B), Sparks, Starkey, Tucker, Turnham, Venable, Weeks, Whatley, Williams and Wyatt.

—52

And the bill:

H. 578. Relating to Perry County; declaring guns, rifles, ammunition, other hunting equipment and motor vehicles, including motor boats or power boats, used in illegal nighttime deer hunting in the county to be contraband; and providing for the condemnation and sale thereof for the benefit of the state game and fish fund.

Was taken up.

#### H. 578 POSTPONED

On motion of Mr. Pegues, the bill, H. 578, was postponed to the seventh legislative day.

And the bill:

H. 433. To amend further Code of Alabama 1940, Title 38, Section 77, as amended, which relates to the pay of pilots by revising the schedule of pilots' fees.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Biddle, Brindley, Callahan, Campbell, Carter, Coburn, Cooper, Crawford, Cross, Edwards, Falkenburg, Ford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Holmes (A), Holmes (D), Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lockett, Lutz, McCluskey, McMillan, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Starkey, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—62

And the bill:

H. 371. To amend Section 4 of Act No. 1103, S. 834, of the 1973 Regular Session (Acts 1973, Vol. III, p. 1867), which act relates to the office of clerk-secretary to each circuit judge of the Thirty-eighth Judicial Circuit, so as to further regulate the salary of said clerk-secretary; and to make the effect of its provisions retroactive to October 1, 1976.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Biddle, Brindley, Callahan, Campbell, Carter, Coburn, Cooper, Crawford, Cross, Edwards, Falkenburg, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lockett, Lutz, McCluskey, McMillan, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—67

And the bill:

H. 412. Relating to county health officers or administrators in counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the 1970 or any subsequent federal decennial census, authorizing such persons to issue official death certificates; and providing penalties for violation of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Biddle, Brindley, Callahan, Campbell, Carter, Coburn, Cooper, Crawford, Edwards, Falkenburg, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Killian, Kinsey, Leonard, Lockett, Lutz, McCluskey, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Rich, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—63

And the bill:

H. 526. Relating to Bibb County; providing for the establishment of a consolidated and unified system of assessing and collecting taxes under one elective county official designated as "county tax assessor and collector"; prescribing the powers, duties, term of office and compensation of said official; providing for the manner of election to the new office; abolishing the offices of tax assessor and tax collector in Bibb County; repealing conflicting laws; and prescribing the effective date of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Biddle, Brindley, Callahan, Campbell, Carter, Coburn, Cooper, Crawford, Edwards, Falkenburg, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Killian, Kinsey, Leonard, Lutz, McCluskey, McMillan, Manley, Martin, Merrill, Moore

REGULAR SESSION  
5th Day

279

(W), Naramore, Owens, Pegues, Plaster, Rich, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, Williams and Wyatt.

—59

And the bill:

H. 527. To amend Section 1 of Act No. 67, H. 11, Second Special Session 1965 (Acts Second and Third Special Sessions 1965, p. 92), fixing the compensation of election officers in Bibb County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Biddle, Brindley, Callahan, Campbell, Carter, Coburn, Cooper, Crawford, Edwards, Falkenburg, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lockett, Lutz, McCluskey, McMillan, Martin, Merrill, Mitchem, Naramore, Owens, Pegues, Plaster, Rich, Roberts, Sasser, Shelton, Smith (B), Smith (C), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, Williams and Wyatt.

—57

And the bill:

H. 528. To amend Section 1 of Act No. 87, H. 203, Second Special Session 1965 (Acts Second and Third Special Sessions 1965, p. 117), regulating the pay of the members of the county board of equalization of Bibb County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Albright, Biddle, Brindley, Callahan, Campbell, Carter, Coburn, Cooper, Crawford, Cross, Edwards, Falkenburg, Ford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lockett, Lutz, McCluskey, McMillan, Manley, Martin, Merrill, Mitchem, Naramore, Owens, Pegues, Plaster, Rich, Roberts, Sasser, Shelton, Smith (B), Smith (C), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley and Wyatt.

—57

And the bill:

H. 529. To further amend Section 1 of Act No. 258, H. 607, Regular Session 1953 (Acts 1953, p. 325) as amended, which fixes the compensation of the jury commission of Bibb County so as to provide further for the compensation of such commission.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Albright, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Cross, Edwards, Falkenburg, Ford,

Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lockett, Lutz, McCluskey, McMillan, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Rich, Roberts, Sasser, Shelton, Smith (B), Smith (C), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, Williams and Wyatt.

—62

And the bill:

H. 530. Relating to Bibb County; to provide for the fixing of a fee for the issuance of a pistol permit by the sheriff; and providing for the disposition and use of such fees.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Albright, Biddle, Callahan, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Edwards, Falkenburg, Ford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, Williams and Wyatt.

—58

And the bill:

H. 531. Relating to Bibb County; to levy an excise and privilege tax on the severance of coal and stone in said county; to provide for the collection, payment, and administration of such tax; to provide for the use of the proceeds of the tax for the maintenance, repair, and construction of improved roads in Bibb County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Albright, Biddle, Campbell, Carter, Coburn, Cooper, Crawford, Edwards, Falkenburg, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Lockett, Lutz, McCluskey, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Trammell, Venable, Waggoner, Weeks, Whatley, White and Wyatt.

—54

And the bill:

H. 532. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Centreville, in Bibb County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Albright, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Coburn, Cooper, Edwards, Falkenburg, Glass, Goodwin, Hall, Harris, Higginbotham, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Starkey, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, White and Wyatt.

—59

And the bill:

H. 382. Relating to Clay County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of Clay County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Coburn, Cooper, Dial, Edwards, Falkenburg, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Leonard, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Whatley, White and Wyatt.

—62

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By Mr. Gilmore:

S. 159. To provide that boards of control of local school systems, state public educational institutions and agencies make available payroll deduction of dues for the local affiliate of any general incorporated statewide educators' organization any labor organization or educators' organization if their employees request this service. Deduction of dues shall not be required for any organization which serves only persons employed in a particular subject matter area or that is not affiliated with a statewide educators organizations which is incorporated under Alabama statutes.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 159 Education.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Owen:

S. 158. To establish a student assistance program in the State of Alabama to be known as the Alabama Student Grant Program, which will provide for state grants to certain approved institutions of post-secondary education in Alabama on behalf of and to the credit of eligible students who are bona fide residents of Alabama; to set forth legislative findings and purposes underlying the Program; to provide for the grants payable under the Program; to designate the Alabama Commission on Higher Education to administer the Program; to vest the Alabama Commission on Higher Education with the powers and duties reasonably needed for the effective implementation and administration of the Program; to establish various procedures and requirements concerning the availability of grants, applications for grants, approval and award of grants, renewal of grants, and revocation of grants; to prohibit the use of grants for religious or sectarian purposes and to prohibit the use of money raised for the support of public schools to support schools of a predominantly sectarian or denominational character; to provide for periodic auditing of approved institutions; to provide for periods when there may be insufficient funds to provide such eligible student with a full grant for the terms requested; to provide a penalty for false statements or misrepresentations in connection with the procurement of grants; to make an appropriation funding the program from the Special Education Trust Fund; to provide for severability; to repeal conflicting laws; and to provide an effective date.

Also:

By Mr. Owen:

S. 17. To make appropriations for the support and maintenance of certain private schools and institutions of higher learning located in the State of Alabama for the fiscal year ending September 30, 1977.

McDOWELL LEE,  
Secretary.

## SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 158. Ways and Means.

S. 17. Ways and Means.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Goodwin, Noonan, Owen, and Bank:

S. J. R. 239. COMMENDING AND PRAISING KEN STABLER FOR OUTSTANDING ACHIEVEMENT IN THE WORLD OF SPORTS.

McDOWELL LEE,  
Secretary.



SENATE MESSAGE

On motion of Mr. Manley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 239, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Messrs. King and McDonald (A):

S. J. R. 11. Commending the Grissom Distance Runners for breaking the State 24-hour relay record.

Also:

By Messrs. Goodwin, Perry, Gilmore, Vacca, Mitchell, Miller, Mims, Little, Wilson, Littleton, Pearson, Clemon, Teague, McDonald (A), Owen, Perloff, Jones, Adams, St. John, Noonan, Edwards, Shelby, Powell, Roberts, McDonald (S), Bank, Fine, Ellis, King, McMillan, Waldrop and Stewart:

S. J. R. 12. Naming a portion of U. S. Highway 80 the Walter C. Givhan Parkway.

Also:

By Messrs. Noonan, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop and Wilson:

S. J. R. 13. Mourning the death of His Excellency, The Most Reverend Archbishop Thomas J. Toolen.

Also:

By Mr. Noonan:

S. J. R. 14. Commending the Crichton Optimist Club for its work with the youth of Mobile County and the state.

Also:

By Mr. Jones:

S. J. R. 16. Commending Marcia Kunstel for her "Capitol Hill" coverage and wishing her success in her new journalistic endeavor.

SENATE MESSAGE

On motion of Mr. Smith (B), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 11, the title of which is set out in the above and foregoing Message from the Senate.

MOTION TO SUSPEND RULES AND ADOPT

Mr. Campbell offered the motion to suspend the rules in order to concur in and adopt the resolution, S. J. R. 12, the title of which is set out in the above and foregoing Message from the Senate.

## DIVISION OF THE QUESTION

Mr. Manley called for the Division of the Question, and the call was sustained.

## MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Mr. Campbell to suspend the rules in order to take up for immediate consideration the resolution, S. J. R. 12, and the motion was lost, lacking a four-fifths vote.

Yeas 23; Nays 19.

Yeas:

Messrs.: Barron, Boles, Campbell, Carter, Crawford, Edwards, Falkenburg, Glass, Gregg, Hall, Holley, Hopping, Johnstone, Leonard, Moore (W), Naramore, Pegues, Plaster, Sasser, Smith (C), Turnham, Waggoner and Wyatt.

—23

Nays:

Messrs.: Albright, Andrews, Armstrong, Dial, Drake, Greer, Harris, Higginbotham, Holmes (D), Jackson (F), Lockett, Manley, Merrill, Owens, Porter, Roberts, Smith (J), Sparks and Whatley.

—19

The resolution, S. J. R. 12, was read and referred to the Standing Committee on Rules.

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

## SENATE MESSAGE

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolutions, S. J. R. 13, S. J. R. 14 and S. J. R. 16, on the Clerk's desk for one legislative day.

REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 100. To adopt a Code of laws for the State of Alabama.

And finds same correctly enrolled.

TOM DRAKE,  
Chairman.

## SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Messrs. King, McDonald (A), and Baker:

S. J. R. 244. MOURNING THE DEATH OF DR. KENNETH E. JOHNSON.

Also:

By Messrs. King, Baker, and McDonald (A):

S. J. R. 245. COMMENDING THE LEE HIGH SCHOOL BAND OF HUNTSVILLE ON BEING THE GOVERNOR'S SELECTION FOR REPRESENTING OUR STATE IN THE PRESIDENTIAL INAUGURATION.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolutions, S. J. R. 244 and S. J. R. 245, on the Clerk's desk for one legislative day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Stewart, Gilmore, Vacca, Miller, Noonan, Wilson, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Goodwin, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Teague and Waldrop.

S. J. R. 241. MOURNING THE DEATH OF FORMER SENATOR RICHARD DOMINICK

WHEREAS, The State of Alabama has suffered a tragic loss in the untimely death of former Senator Richard Dominick, of Birmingham; and

WHEREAS, Richard Dominick, in his quiet way, was a determined and dogged pioneer in the field of legislative reform; the intensive study conducted by his interim committee led to a marked improvement in the legislative process that is still being felt and recognized; and

WHEREAS, The concept of a legislative fiscal office was originally his, although the act which created this office, which is proving to be an invaluable aid to the Legislature, does not bear his name; and

WHEREAS, Dominick's influence is still being felt in the workings of this Legislature; in death, his reputation as a statesman rather than a politician continues to grow; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we do salute the life and career of former Senator Richard Dominick, and express profound gratitude for his selfless devotion to duty and the many benefits to the State of Alabama for which he is responsible.

BE IT FURTHER RESOLVED That we do extend deepest sympathy to his widow, Mrs. Charlotte Lane Dominick, and his two sons, Rick and Dirk, to whom copies of this resolution shall be sent.

BE IT FURTHER RESOLVED That a page of the Journal of the Senate be set aside to honor the memory of Richard Dominick.

BE IT FURTHER RESOLVED That Act 108, Third Special Session 1975, the act which created the legislative fiscal office, be named the "Dominick Act".

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, S. J. R. 241, on the Clerk's desk for one legislative day.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Stewart and Bank:

S. J. R. 242. CONGRATULATING VAUGHN STEWART ON HIS ELECTION AS PRESIDENT OF THE STUDENT BODY OF THE UNIVERSITY OF ALABAMA.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, S. J. R. 242, on the Clerk's desk for one legislative day.

#### BILLS ON THIRD READING RESUMED

And the bill:

H. 235. To amend further Section 3 of Act No. 1945, H. 584, Regular Session 1971 (Acts 1971, p. 3143), as last amended, which provides for and regulates the employment of county engineers so as to provide that the county engineer in certain counties need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of the county engineer's salary.

Which was previously temporarily postponed, was taken up.

#### AMENDMENT OFFERED

Mr. Reed offered the following amendment to the bill, H. 235:

In the synopsis, on line 9, after the word "Perry" ad a comma and the following:

Bullock and Macon

On line 10 strike the word "County" and insert in lieu thereof the word

counties

On page 2, on line 5 after the word "Perry" ad a comma and insert the following:

Bullock, Macon

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Campbell, Carothers, Coburn, Cooper, Dial, Edwards, Falkenburg, Ford, Glass, Goodwin, Greer, Holmes (D), Jackson (F), Jolly, Killian, Kinsey, Lutz, McCulley, McMillan, McNees, Manley, Martin, Moore (O), Naramore, Owens, Pegues, Plaster, Porter, Rich, Roberts, Sasser, Shelton, Starkey, Trammell, Turnham, Waggoner, Weeks, White, Williams and Wyatt.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 235 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Cross, Dial, Edwards, Falkenburg, Glass, Goodwin, Greer, Hall, Holmes (D), Hopping, Jackson (F), Jolly, Killian, Kinsey, Lutz, McCulley, McMillan, McNees, Martin, Merrill, Moore (O), Owens, Pegues, Plaster, Reed, Rich, Roberts, Shelton, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 71. Relative to adjournment of the two Houses.

McDOWELL LEE,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 42. Commending and praising the Addison High School Football Team for winning the 1976 State 1A Championship.

Also:

H. J. R. 43. Recognizing and commending the Honorable John Bunyan Toland on his completion of six years of outstanding and dedicated public service.

Also:

H. J. R. 44. Congratulating Mrs. Janice Proctor upon being named 1976 Citizen of the Year for Talladega County.

Also:

H. J. R. 48. Commending and congratulating the Elmore County High School Football Team for winning the State 2A Football Championship.

Also:

H. J. R. 49. Mourning the death of John Edward O'Brien of Tallassee.

Also:

H. J. R. 53. Naming the Highway 49 bridge in Clay County "The Henry David Riley Bridge."

Also:

H. J. R. 59. Mourning the death of Clinton Lewis.

Also:

H. J. R. 61. Congratulating Representative Rufus Lewis on being nominated for the position of United States Federal Marshal.

Also:

H. J. R. 62. Mourning the death of Grover Lamar Agee.

Also:

H. J. R. 64. Praising the awful talents and many accomplishments of John Ed Willoughby.

Also:

H. J. R. 66. To name the Center for Environmental and Energy Studies at the University of Alabama in Huntsville, Alabama in honor of Dr. Kenneth E. Johnson.

McDOWELL LEE,  
Secretary.

## UNFINISHED BUSINESS

The House then proceeded with the consideration of the Unfinished Business.

And the bill:

H. 32. To amend the title and further amend Sections 1, 3, 4 and 5 of Act No. 755, 1967 Regular Session (Acts of Alabama 1967, Vol. II, p. 1609), as amended, entitled "To provide Supernumerary Tax Collectors, Tax Assessors, License Commissioners, or other elected officials charged with the assessment and/or collection of any ad valorem taxes in the various counties of the State of Alabama; describing their duties, setting up their requirements and qualifications; fixing their compensation; status and tenure of office; and providing for the payment of their salaries," so as to provide further for the requirements, qualifications and compensation for such Supernumerary Tax Collectors, Tax Assessors and License Commissioners, or other elected officials charged with the assessment and/or collection of any ad valorem taxes in this state, in the various counties of the State of Alabama having a population of less than 600,000 inhabitants.

Was taken up.

AMENDMENT OFFERED

Mr. White offered the following amendment to the bill, H. 32:

On page 4 line 1 strike the figures "65%" and insert in lieu thereof the figures:

50%

Also, on page 4 lines 5 and 6 strike the words and figures "Eleven Thousand Two Hundred Fifty Dollars (\$11,250.00)" and insert in lieu thereof the following words and figures:

Nine Thousand Dollars (\$9,000.00)

AMENDMENT TABLED

On motion of Mr. Turnham, the amendment offered by Mr. White to the bill, H. 32, was tabled.

Yeas 41; Nays 28.

Yeas:

Messrs.: Baker, Brindley, Callahan, Clark, Crawford, Cross, Dial, Drake, Edwards, Gafford, Goodwin, Higginbotham, Hill, Hines, Jackson (F), Jackson (R), Johnstone, Kinsey, Lee, Lockett, McMillan, McNees, Martin, Merrill, Morris, Naramore, Pegues, Plaster, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (C), Sparks, Starkey, Turnham, Venable, Warren, Weeks and Williams.

—41

Nays:

Messrs.: Armstrong, Barron, Campbell, Carter, Ford, Gregg, Hall, Harris, Harrison, Holmes (A), Holmes (D), Hopping, Howard, Johnson, Killian, Leonard, McCulley, McNair, Moore (O), Moore (W), Riddick, Shelton, Smith (B), Smith (M), Taylor, Tucker, White and Wyatt.

—28

And the bill, H. 32, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 17.

Yeas:

Messrs.: Baker, Brindley, Buskey, Callahan, Carothers, Cates, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Ford, Gaf-

ford, Glass, Goodwin, Greer, Gregg, Harris, Higginbotham, Hill, Hines, Hopping, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kinsey, Lockett, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Pegues, Plaster, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Turnham, Venable, Waggoner, Warren, Weeks and Williams.

—64

*Nays:*

Messrs.: Armstrong, Barron, Campbell, Carter, Hall, Harrison, Holley, Holmes (A), Holmes (D), Killian, Leonard, Lutz, McNair, Moore (W), Shelton, Tucker and Wyatt.

—17

### UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Morris, Drake, Kinsey, Johnstone, Smith (C), Sandusky, Wyatt, Baker, Sonnier and Higginbotham added as co-sponsors to the bill, H. 32.

And the bill:

H. 348. (With Amendment): To amend Section 15, Title 51, Code of Alabama 1940 relating to homestead exemptions so as to increase the amount of said exemptions.

Having been postponed on the fourth legislative day, was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 348 by striking out the word, "three" wherever it appears and inserting in lieu thereof the following word:

five

### AMENDMENT TABLED

On motion of Mr. Merrill, the amendment reported by the Standing Committee on Ways and Means to the bill, H. 348, was tabled.

**Yeas 75; Nays 12.**

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Coburn, Cooper, Crawford, Cross, Dial, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Holmes (D), Hopping, Jackson (F), Jackson (R), Johnson, Jolly, Kelley, Killian, Lee, Leonard, Lewis, Lutz, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Weeks, White and Williams.

—75

*Nays:*

Messrs.: Barron, Carter, Cates, Hilliard, Johnstone, Kinsey, Lockett, Morris, Robertson, Smith (J), Warren and Wyatt.

—12



MOTION TO POSTPONE TABLED

On motion of Mr. Merrill, the motion offered by Mr. Albright to postpone further consideration of the bill, H. 348, to the eighth legislative day, was tabled.

Yeas 54; Nays 33.

*Yeas:*

Mr. Speaker, Armstrong, Biddle, Brindley, Callahan, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Gafford, Glass, Goodwin, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes (D), Kelley, Kinsey, McCulley, McMillan, McNees, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Reed, Rich, Robertson, Sandusky, Sasser, Shelton, Smith (J), Smith (M), Sonnier, Sparks, Venable, Waggoner, Weeks, White and Williams.

—54

*Nays:*

Messrs.: Albright, Andrews, Baker, Barron, Buskey, Campbell, Ford, Greer, Gregg, Hall, Harrison, Hill, Hopping, Howard, Jackson (F) Jackson (R), Johnson, Lee, Leonard, Lewis, Lutz, McNair, Martin, Porter, Riddick, Roberts, Smith (B), Starkey, Taylor, Tucker, Turnham, Whatley and Wyatt.

—33

SUBSTITUTE OFFERED

Mr. Dial offered the following substitute to the bill, H. 348:

A BILL  
TO BE ENTITLED  
AN ACT

To further amend the Code of Alabama 1940, Title 51, Section 15, as amended, relating to the exemption of homesteads from the state ad valorem taxes so as to provide an increased exemption for all persons in the state regardless of disability or age.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 15, Title 51, Code of Alabama 1940, as amended, is further amended to read as follows:

"Section 15. Homesteads, as defined by the constitution and laws of the State of Alabama, are hereby exempted from all state ad valorem taxes. In no case shall the exemption herein made apply to more than one person, head of the family, nor shall the said exemption exceed two thousand dollars five thousand dollars in assessed value, nor one hundred sixty acres in area for any resident of this state who is not over sixty-five years of age. For residents of the state, over sixty-five years of age, or who are retired due to permanent and total disability, regardless of age, or who are blind as defined in Code of Alabama 1940, Title 1, Section 2(1), regardless of age or whether such person is retired, the said exemption shall not exceed five thousand dollars in assessed value, nor one hundred sixty acres in area.

"The Commissioner of the State Department of Revenue is hereby empowered to define and specify the condition or state of health that make a person 'permanently and totally disabled' and may issue certificates of disability to such person as he may find meets such specifications. Any person who is drawing any pension or annuity from the

armed services or a company of governmental agency as being permanently and totally disabled shall automatically be granted a certificate of permanent and total disability by the State Commissioner of Revenue."

Section 2. The provisions of this Act shall become effective for the tax year beginning October 1, 1976, and for each subsequent year.

#### SUBSTITUTE TABLED

On motion of Mr. Merrill, the substitute offered by Mr. Dial to the bill, H. 348, was tabled.

Yeas 58; Nays 26.

*Yeas:*

Mr. Speaker, Armstrong, Biddle, Boles, Callahan, Carothers, Clark, Coburn, Cooper, Crawford, Cross, Drake, Falkenburg, Ford, Gafford, Glass, Goodwin, Hall, Harrison, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Kinsey, Lee, Leonard, McMillan, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (C), Smith (M), Sonnier, Sparks, Taylor, Tucker, Venable, Waggoner, Weeks, White and Williams.

—58

*Nays:*

Messrs.: Albright, Andrews, Baker, Barron, Brindley, Cates, Dial, Greer, Gregg, Harris, Higginbotham, Hill, Hilliard, Howard, Jackson (R), Lockett, Lutz, McCulley, McNair, McNees, Smith (B), Smith (J), Turnham, Warren, Whatley and Wyatt.

—26

#### MOTION TO POSTPONE TABLED

On motion of Mr. Merrill, the motion offered by Mr. Johnson to postpone the bill, H. 348, was tabled.

Yeas 62; Nays 29.

*Yeas:*

Mr. Speaker, Armstrong, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Dial, Drake, Edwards, Falkenburg, Gafford, Glass, Goodwin, Gregg, Harris, Higginbotham, Hines, Holley, Holmes (D), Hopping, Jackson (F), Kinsey, Lee, Lockett, McCulley, McMillan, McNees, Manley, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Venable, Waggoner, Warren, Weeks, White and Williams.

—62

*Nays:*

Messrs.: Albright, Andrews, Barron, Buskey, Greer, Hall, Harrison, Hill, Hilliard, Holmes (A), Howard, Jackson (R), Johnson, Johnstone, Jolly, Killian, Leonard, Lewis, Lutz, McNair, Martin, Porter, Roberts, Smith (C), Starkey, Taylor, Turnham, Whatley and Wyatt.

—29

#### AMENDMENT OFFERED

Mr. Rich offered the following amendment to the bill, H. 348:

REGULAR SESSION

293

5th Day

To amend H. B. 348 by striking Section 2 in its entirety and substituting in lieu thereof the following:

Section 2. This Act shall become effective October 1, 1978 following its passage and approval by the Governor, or upon its otherwise becoming a law.

AMENDMENT TABLED

On motion of Mr. Callahan, the amendment offered by Mr. Rich to the bill, H. 348, was tabled.

Yeas 58; Nays 23.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Boles, Callahan, Campbell, Cates, Clark, Coburn, Cross, Dial, Drake, Edwards, Falkenburg, Gafford, Glass, Goodwin, Harris, Hines, Holley, Holmes (A), Holmes (D), Jackson (F), Jackson (R), Johnstone, Killian, Kinsey, Lockett, McCulley, McMillan, McNees, Merrill, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Porter, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (J), Smith (M), Sonnier, Sparks, Trammell, Tucker, Venable, Warren, Weeks, White, Williams and Wyatt.

—58

*Nays:*

Messrs.: Albright, Brindley, Carothers, Crawford, Ford, Greer, Gregg, Hall, Harrison, Higginbotham, Hill, Hilliard, Howard, Johnson, Jolly, Leonard, Lutz, McNair, Martin, Rich, Smith (B), Taylor and Whatley.

—23

MOTION TO POSTPONE TABLED

On motion of Mr. Merrill, the motion offered by Mr. Lutz to postpone the bill, H. 348, to the seventh legislative day, was tabled.

Yeas 53; Nays 37.

*Yeas:*

Mr. Speaker, Armstrong, Biddle, Boles, Callahan, Carothers, Carter, Cates, Clark, Coburn, Cooper, Drake, Edwards, Gafford, Glass, Goodwin, Harris, Higginbotham, Hines, Holmes (D), Jackson (F), Jackson (R), Jolly, Kinsey, McCulley, McMillan, McNees, Merrill, Mitchem, Moore (O), Morris, Owens, Pegues, Plaster, Reed, Rich, Robertson, Sandusky, Sasser, Shelton, Smith (C), Smith (J), Sonnier, Sparks, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White and Williams.

—53

*Nays:*

Messrs.: Albright, Andrews, Baker, Barron, Brindley, Buskey, Campbell, Cross, Ford, Greer, Gregg, Hall, Hill, Hilliard, Holley, Hopping, Howard, Johnson, Johnstone, Kelley, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McNair, Martin, Porter, Riddick, Roberts, Smith (B), Smith (M), Starkey, Taylor, Whatley and Wyatt.

—37

MOTION TO POSTPONE TABLED

The motion of Mr. Merrill, the motion offered by Mr. Killian to postpone the bill, H. 348, to the sixth legislative day, was tabled.

Yeas 47; Nays 41.

*Yeas:*

Mr. Speaker, Armstrong, Biddle, Boles, Callahan, Carothers, Carter, Cates, Clark, Coburn, Crawford, Drake, Edwards, Falkenburg, Gafford, Glass, Goodwin, Hines, Holmes (D), Jackson (F), Kinsey, Lee, McCulley, McMillan, McNeas, Merrill, Moore (O), Morris, Pegues, Plaster, Reed, Rich, Robertson, Sandusky, Sasser, Shelton, Smith (C), Smith (J), Sparks, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, White and Williams.

—47

*Nays:*

Messrs.: Albright, Andrews, Baker, Barron, Buskey, Campbell, Cross, Ford, Greer, Gregg, Hall, Harrison, Hill, Hilliard, Holley, Holmes (A), Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Leonard, Lewis, Lockett, Lutz, McNair, Martin, Moore (W), Porter, Riddick, Roberts, Smith (B), Smith (M), Sonnier, Starkey, Turnham, Whatley and Wyatt.

—41

REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 42. COMMENDING AND PRAISING THE ADDISON HIGH SCHOOL FOOTBALL TEAM FOR WINNING THE 1976 STATE 1A CHAMPIONSHIP.

Also:

H. J. R. 43. RECOGNIZING AND COMMENDING THE HONORABLE JOHN BUNYAN TOLAND ON HIS COMPLETION OF SIX YEARS OF OUTSTANDING AND DEDICATED PUBLIC SERVICE.

Also:

H. J. R. 44. CONGRATULATING MRS. JANICE PROCTOR UPON BEING NAMED 1976 CITIZEN OF THE YEAR FOR TALLADEGA COUNTY.

Also:

H. J. R. 48. COMMENDING AND CONGRATULATING THE ELMORE COUNTY HIGH SCHOOL FOOTBALL TEAM FOR WINNING THE STATE 2A FOOTBALL CHAMPIONSHIP.

Also:

H. J. R. 49. MOURNING THE DEATH OF JOHN EDWARD O'BRIEN OF TALLASSEE.

Also:

H. J. R. 53. NAMING THE HIGHWAY 49 BRIDGE IN CLAY COUNTY "THE HENRY DAVID RILEY BRIDGE."

Also:

H. J. R. 59. MOURNING THE DEATH OF CLINTON LEWIS.

Also:

H. J. R. 61. CONGRATULATING REPRESENTATIVE RUFUS LEWIS ON BEING NOMINATED FOR THE POSITION OF UNITED STATES FEDERAL MARSHAL.

Also:

H. J. R. 62. MOURNING THE DEATH OF GROVER LAMAR AGEЕ.

Also:

H. J. R. 64. PRAISING THE AWFUL TALENTS AND MANY ACCOMPLISHMENTS OF JOHN ED WILLOUGHBY.

Also:

H. J. R. 66. TO NAME THE CENTER FOR ENVIRONMENTAL AND ENERGY STUDIES AT THE UNIVERSITY OF ALABAMA IN HUNTSVILLE, ALABAMA IN HONOR OF DR. KENNETH E. JOHNSON.

Also:

H. J. R. 71. Relative to adjournment from Thursday, February 17, 1977, until Wednesday, February 23, 1977.

And finds same correctly enrolled.

TOM DRAKE,  
Chairman.

#### SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### H. 348 RESUMED

Mr. Rich offered the following amendment No. 2 to the bill, H. 348:

Amend House Bill 348 by striking section two and insert in lieu thereof;

Section 2. This Act shall become effective in the first tax year in which property re-appraisals are put into effect, provided it shall be no later than October 1, 1978 and following its passage and approval by the Governor, or upon its otherwise becoming law.

#### MOTION TO TABLE LOST

The motion offered by Mr. Merrill to table the amendment No. 2 offered by Mr. Rich to the bill, H. 348, was lost.

Yeas 39; Nays 48.

Yeas:

Messrs.: Armstrong, Biddle, Boles, Callahan, Carothers, Carter, Clark, Cooper, Drake, Falkenburg, Gafford, Glass, Goodwin, Harris, Hines, Holmes (D), Jackson (F), Johnstone, Kinsey, McMillan, Merrill, Moore

(W), Plaster, Reed, Robertson, Sandusky, Sasser, Shelton, Smith (M), Sonnier, Trammell, Tucker, Waggoner, Warren, Weeks, Whatley, White and Williams.

—39

*Nays:*

Messrs.: Albright, Andrews, Baker, Brindley, Buskey, Campbell, Cates, Coburn, Cross, Dial, Edwards, Ford, Greer, Gregg, Hall, Harrison, Higginbotham, Hill, Hilliard, Holley, Holmes (A), Hopping, Howard, Johnson, Jolly, Kelley, Killian, Leonard, Lewis, Lutz, McCluskey, McCulley, McNair, Martin, Mitchem, Morris, Pegues, Porter, Rich, Riddick, Roberts, Smith (B), Smith (C), Smith (J), Starkey, Taylor, Turnham and Venable.

—48

#### AMENDMENT ADOPTED

The question was then on the amendment No. 2 offered by Mr. Rich to the bill, H. 348, and the amendment was adopted.

Yeas 45; Nays 43.

*Yeas:*

Messrs.: Andrews, Baker, Brindley, Campbell, Cates, Cross, Dial, Edwards, Ford, Greer, Gregg, Hall, Harrison, Higginbotham, Hilliard, Holley, Holmes (A), Hopping, Howard, Johnson, Jolly, Kelley, Killian, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNair, Martin, Mitchem, Morris, Pegues, Porter, Rich, Riddick, Roberts, Smith (B), Smith (J), Smith (M), Starkey, Taylor, Turnham and Venable.

—45

*Nays:*

Mr. Speaker, Armstrong, Biddle, Boles, Callahan, Carothers, Carter, Clark, Coburn, Cooper, Drake, Falkenburg, Gafford, Glass, Goodwin, Harris, Hill, Hines, Holmes (D), Jackson (F), Jackson (R), Johnstone, Kinsey, Lee, McMillan, Merrill, Moore (O), Moore (W), Plaster, Reed, Robertson, Sandusky, Sasser, Shelton, Sonnier, Trammell, Tucker, Waggoner, Warren, Weeks, Whatley, White and Williams.

—43

#### AMENDMENT OFFERED

Mr. Smith (B) offered the following amendment to the bill, H. 348 as amended:

Amend H. B. 348 by adding the following:

"This Act shall not apply to Madison County."

#### AMENDMENT TABLED

On motion of Mr. Merrill, the amendment offered by Mr. Smith (B) to the bill, H. 348 as amended, was tabled.

Yeas 57; Nays 26.

*Yeas:*

Mr. Speaker, Armstrong, Baker, Biddle, Boles, Callahan, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Dial, Drake, Edwards, Falkenburg, Gafford, Glass, Goodwin, Harris, Holley, Holmes (A), Holmes (D), Jackson (F), Jackson (R), Johnstone, Kinsey, Lee, Lockett, McCulley, McMillan, McNeas, Martin, Merrill, Mitchem, Moore (O),

REGULAR SESSION  
5th Day

297

Moore (W), Morris, Owens, Pegues, Plaster, Reed, Roberts, Robertson, Sasser, Shelton, Smith (J), Smith (M), Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White and Williams.

—57

*Nays:*

Messrs.: Albright, Andrews, Barron, Buskey, Ford, Greer, Gregg, Hall, Harrison, Hill, Hilliard, Hopping, Howard, Johnson, Leonard, Lewis, Lutz, McNair, Porter, Rich, Riddick, Smith (B), Starkey, Taylor, Whatley and Wyatt.

—26

And the bill, H. 348 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 19.

*Yeas:*

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Gafford, Glass, Goodwin, Greer, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Jackson (F), Jackson (R), Johnson, Jolly, Kelley, Killian, Kinsey, Lee, Lockett, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—77

*Nays:*

Messrs.: Albright, Andrews, Buskey, Ford, Gregg, Hall, Harrison, Hopping, Johnstone, Leonard, Lewis, Lutz, McNair, Plaster, Porter, Riddick, Smith (B), Starkey and Whatley.

—19

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show the following added as co-sponsors to the bill, H. 348:

Messrs.: Armstrong, Baker, Biddle, Boles, Brindley, Carothers, Carter, Cates, Clark, Crawford, Dial, Glass, Goodwin, Harris, Kelley, Kinsey, McCulley, McMillan, Mitchem, Moore (O), Moore (W), Morris, Robertson, Smith (J), Sparks, Trammell, Venable, Waggoner, Warren, Weeks, White and Williams.

BILLS TEMPORARILY POSTPONED

On motion of Mr. Higginbotham, all bills on the Calendar from the bill, H. 60 through the bill, H. 325, were postponed, in order to take up the bill, H. 383, and the Crime Bills, H. 380, H. 329, H. 330 and H. 327.

Yeas 53; Nays 29.

*Yeas:*

Mr. Speaker, Baker, Boles, Buskey, Callahan, Carothers, Carter, Clark, Cooper, Cross, Dial, Drake, Edwards, Ford, Gafford, Glass, Greer, Higginbotham, Hill, Hines, Holley, Holmes (D), Jackson (F), Kelley, Killian, Kinsey, McCulley, McMillan, Manley, Martin, Merrill, Mitchem,

Moore (W), Morris, Owens, Pegues, Plaster, Rich, Robertson, Sandusky, Sasser, Shelton, Smith (C), Smith (M), Sonnier, Starkey, Taylor, Venable, Waggoner, Warren, Whatley, White and Williams.

—53

*Nays:*

Messrs.: Andrews, Armstrong, Brindley, Cates, Coburn, Falkenburg, Gregg, Hall, Harris, Harrison, Hilliard, Holmes (A), Hopping, Howard, Jackson (R), Leonard, Lewis, Lockett, Lutz, McNair, McNees, Porter, Riddick, Smith (B), Smith (J), Sparks, Turnham, Weeks and Wyatt.

—29

### MOTION TO ADJOURN LOST

The motion offered by Mr. Ford that the House adjourn until 10:00 o'clock a. m., Thursday, February 17, 1977, was lost.

### BILLS ON THIRD READING RESUMED

And the bill:

H. 383. To provide that any person convicted of a felony involving bodily harm to another shall serve the sentence imposed without parole; and to repeal conflicting statutes.

Was taken up.

### AMENDMENT OFFERED

Mr. Lutz offered the following amendment to the bill, H. 383:

Amend H. B. 383, Section 1, by inserting on line 21, immediately after the comma following the word "thereof" and immediately before the word "the" the following: "and the commission of which followed such defendant's conviction of another felony or attempt thereof resulting in bodily harm to another."

### MOTION TO TABLE LOST

The motion offered by Mr. Higginbotham to table the amendment offered by Mr. Lutz to the bill, H. 383, was lost.

Yeas 33; Nays 38.

*Yeas:*

Messrs.: Andrews, Baker, Boles, Callahan, Campbell, Carothers, Carter, Cross, Edwards, Higginbotham, Holley, Holmes (D), Johnson, Kinsey, Moore (W), Owens, Pegues, Plaster, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (C), Smith (M), Sonnier, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—33

*Nays:*

Messrs.: Albright, Armstrong, Buskey, Clark, Cooper, Dial, Ford, Goodwin, Gregg, Hall, Harrison, Hill, Hilliard, Hines, Holmes, Hopping, Howard, Jackson (R), Johnstone, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McMillan, McNair, Martin, Morris, Porter, Reed, Riddick, Smith (B), Smith (J), Sparks, Starkey, Taylor and Trammell.

—38



AMENDMENT ADOPTED

The question was then on the amendment offered by Mr. Lutz to the bill, H. 383, and the amendment was adopted.

Yeas 54; Nays 15.

*Yeas:*

Messrs.: Albright, Armstrong, Baker, Brindley, Carter, Cates, Clark, Cooper, Cross, Drake, Edwards, Ford, Goodwin, Gregg, Hall, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Hopping, Howard, Jackson (R), Johnstone, Jolly, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McMillan, McNair, McNees, Martin, Moore (O), Morris, Owens, Porter, Riddick, Roberts, Smith (B), Smith (C), Smith (M), Starkey, Taylor, Trammell, Venable, Weeks, Whatley and Wyatt.

—54

*Nays:*

Messrs.: Andrews, Boles, Callahan, Campbell, Carothers, Falkenburg, Johnson, Merrill, Pegues, Plaster, Rich, Robertson, Sandusky, Sasser and Sonnier.

—15

MOTION TO ADJOURN LOST

The motion offered by Mr. McNair that the House adjourn until 10:00 o'clock a. m., Thursday, February 17, 1977, lost.

Yeas 29; Nays 55.

*Yeas:*

Messrs.: Andrews, Buskey, Carter, Clark, Cross, Drake, Goodwin, Harris, Harrison, Hilliard, Holley, Holmes (A), Hopping, Howard, Jackson (R), Johnson, Lewis, Lockett, McCulley, McNair, Morris, Porter, Reed, Smith (J), Sparks, Taylor, Trammell, Whatley and Wyatt.

—29

*Nays:*

Messrs.: Albright, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Edwards, Falkenburg, Ford, Gafford, Greer, Gregg, Hall, Hill, Hines, Holmes (D), Jackson (F), Johnstone, Killian, Kinsey, Lee, Leonard, Lutz, McMillan, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (C), Smith (M), Sonnier, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, White and Williams.

—55

H. 383 RESUMED

AMENDMENT OFFERED

Mr. Hill offered the following amendment to the bill, H. 383 as amended:

Amend H. B. 383 by striking the words beginning on line 20 "a felony, or the attempt thereof" and in lieu thereof insert the words "murder, rape or assault with a deadly weapon".

AMENDMENT TABLED

On motion of Mr. Higginbotham, the amendment offered by Mr. Hill to the bill, H. 383 as amended, was tabled.

Yeas 38; Nays 30.

Yeas:

Messrs.: Andrews, Baker, Biddle, Callahan, Campbell, Carothers, Coburn, Cooper, Crawford, Cross, Dial, Glass, Greer, Higginbotham, Jackson (F), Johnstone, Kinsey, Lee, Martin, Merrill, Mitchem, Moore (W), Owens, Pegues, Plaster, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (C), Smith (M), Sonnier, Taylor, Waggoner, Warren, Whatley and Williams.

—38

Nays:

Messrs.: Armstrong, Buskey, Clark, Ford, Gregg, Hall, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Hopping, Howard, Jackson, Johnson, Killian, Leonard, Lewis, Lockett, McMillan, McNair, Porter, Reed, Riddick, Smith (B), Smith (J), Starkey, Turnham and Weeks.

—30

## UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Holmes (D) added as co-sponsor to the bill, H. 383.

## CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bill hereinafter mentioned was delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 3:25 P. M. On February 15, 1977

H. 100

JOHN W. PEMBERTON,  
Clerk.

## ADJOURNMENT

On motion of Mr. Harrison, the House adjourned until 10:00 o'clock a. m., Thursday, February 17, 1977.

Yeas 41; Nays 39.

Yeas:

Messrs.: Andrews, Armstrong, Biddle, Brindley, Buskey, Carter, Clark, Cross, Dial, Edwards, Ford, Hall, Harris, Harrison, Hilliard, Holley, Holmes (A), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Kelley, Lee, Lewis, Lockett, Lutz, McNair, Moore (W), Porter, Reed, Riddick, Roberts, Smith (J), Sparks, Starkey, Taylor, Weeks, Whatley, Williams and Wyatt.

—41

Nays:

Messrs.: Baker, Boles, Callahan, Campbell, Coburn, Cooper, Falkenburg, Gafford, Glass, Greer, Gregg, Higginbotham, Hill, Johnstone, Killian, Kinsey, Leonard, McCulley, Manley, Martin, Merrill, Mitchem, Moore (O), Owens, Pegues, Plaster, Rich, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Turnham, Venable, Waggoner and Warren.

—39

## SIXTH DAY

House of Representatives  
Montgomery, Alabama  
Thursday, February 17, 1977

The House met pursuant to adjournment.

## PRAYER

The session was opened with prayer by the Reverend Joe Edwards, Valleyview Church of God, Sylacauga, Alabama.

## ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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A quorum was present.

## REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fifth legislative day and finds the same to be correct.

TOM DRAKE,  
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the fifth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fifth legislative day was approved.

## LEAVES OF ABSENCE

At the request of Mr. Naramore, leave of absence was granted for Mr. Folmar, due to illness.

At the request of Mr. McCorquodale, leave of absence was granted for Mr. Kelley, due to the death of his mother.

## NOTICE IN WRITING

Mr. Holley filed the following Notice in Writing:

Having voted on the prevailing side by which House Bill 348 passed on the last legislative day, I move that the vote by which said bill passed, be now reconsidered.

## H. 575 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 575, from the Standing Committee on Judiciary to the Standing Committee on Ways and Means.

## BILLS ON SECOND READING

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 400. To authorize the Alabama State Bar Association to expend for payment of salaries certain funds appropriated for expenses other than salaries.

H. 483. To provide for and further regulate salaries payable to certain state officers.

H. 484. To provide for the salary of the Governor.

H. 156. To appropriate \$7,000.00 from the Special Education Trust Fund for the purpose of sending the Lee High School Band of Huntsville to Washington, D. C. to represent Alabama in the presidential inauguration parade.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 436. (With Substitute): To amend sections 2 and 8 of Act No. 2, H. 47 of the Regular Session of 1945 (Gen. Acts 1945, p. 20), as amended, which levies and provides for the collection and distribution of a severance tax on oil, gas and other hydrocarbons, so as to raise the rate of such tax and to give the increase to the county in which the oil and gas was produced; and to remove the provision that prohibits local taxation on oil and gas; and to repeal laws in conflict herewith.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 589. To amend Act No. 2244, S. 797, Regular Session 1971 (Acts 1971, p. 3600), relating to exemptions from registration of certain securities with the Alabama Securities Commission, so as to provide further for the filing fees for applying for such exemptions.

H. 596. To make an appropriation from the earnings of the Alabama State Docks in Mobile for the relief of Aubry Price of Mobile.

H. 607. To exempt the South Alabama State Fair Association, a non-profit corporation, from the payment of all state, county, and municipal sales taxes levied upon admission tickets sold by the Association for its South Alabama State Fair.

H. 423. To amend Title 32, Section 13, Code of Alabama 1940, which relates to pay of legislative interim committees so as to change the method of payment of mileage to the members of such committees.

H. 515. Providing that the definition of the word physician as used in the Workmen's Compensation Law shall include chiropractors, and further providing that employees under the Workmen's Compensation Law be entitled to choose a chiropractor as one of the alternative physicians provided for in Title 26 § 293, Code of Alabama, 1940; and for these purposes amending the Code of Alabama, 1940, Title 26 § 262 and § 293.

H. 624. To permit the deduction by resident taxpayers from their adjusted gross income as computed for state income tax purposes of the total cost of installation for conversion from gas or electricity to wood as the primary energy source for heating their individual domestic homes.

H. 498. To exempt the Grand Chapter of the Order of the Eastern Star of the State of Alabama from the payment of all state, county and municipal sales and use taxes.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 576. To provide for the distribution of the 1975 Code of Alabama, editions, or portions thereof; to provide for the conservation of the sets distributed; to authorize the sale thereof by the publisher; and to provide an appropriation for the distribution of said code.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 257. (With Amendment): To provide further for the parole of infirm, aged and handicapped prisoners in the state penal system.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 584. Relating to divorce and alimony; to provide that the judge trying a divorce case shall have the right to award alimony to either spouse as the circumstances of the case may justify and to repeal all conflicting statutes.

H. 608. To amend Section 30 of Title 8, Code of Alabama, 1940, pertaining to forms of acknowledgment of conveyance, so as to provide a form for the acknowledgment of a conveyance by partnership.

H. 626. Relating to hospitalization of mentally ill persons; defining terms; providing for specified civil, legal and treatment rights of patients; prescribing the duties and responsibilities of persons and agencies concerned with the admission and treatment of mentally ill persons; prescribing the quality of care and treatment of patients; and repealing conflicting laws.

H. 627. To amend Sections 7, 8 and 10 of Act No. 1226, 1975 Regular Session, (Acts of 1975, p. 2562) entitled "An Act Relating to the commitment of mentally ill persons to the custody of the State Department of Mental Health; prescribing the procedures for the involuntary commitment of mentally ill persons, prescribing the duties and responsibilities of all persons and departments concerned with the commitment of mentally

ill persons; providing for the rights of persons sought to be committed as mentally ill; providing for the payment of costs of proceedings for the commitment of mentally ill persons; providing for appeal to circuit court by persons committed as mentally ill; prescribing the jurisdiction of the probate court in regard to persons committed as mentally ill; providing for the transfer of mentally ill persons to facilities operated by the United States; and repealing conflicting laws, "so as to further provide for notice to the Department of Mental Health and obligatory acceptance of persons committed; to provide probable cause hearings shall be included as hearings conducted by the probate judge in relation to a petition to commit any person to the custody of the State Department of Mental Health, with the same rules applying in such hearings; to provide that evidence required for commitment to be clear, unequivocal and convincing; to provide that commitment be the least restrictive alternative necessary and available for treatment of the person's mental illness. It provides that if treatment for the individual's mental illness becomes available, it should be made available to him immediately.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 155. (With Substitute) (With Amendment): To prohibit the obtaining of or attempt to obtain certain settlements, releases or statements from certain injured persons; to repeal conflicting laws; and for other purposes.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 537. To provide that Alabama enter into the Interstate Agreement on Detainers Act, with other member-states, which promotes cooperation between the several states to secure a speedy trial of persons already incarcerated in other jurisdictions by the expeditious and orderly disposition of all detainers based on untried indictments, information or complaints; and to further provide for the uniform mandatory disposition of detainers so as to prescribe the manner and procedures for release of detainers available to incarcerated persons against whom there is pending untried indictments, information or complaints.

H. 445. To provide an entirely new criminal code for the State of Alabama; defining offenses, fixing punishment; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 521. To provide safeguards for federal tax return information used in the administration of Alabama revenue laws and to provide penalties for the misuse of such information.

H. 522. To amend Section 413, Title 51, Code of Alabama 1940, which relates to exceptions to the general rule concerning period of limitation upon assessment and collection.

H. 523. To amend Section 52(1) (a), Title 36, Code of Alabama 1940, (Section 1(a), Act No. 220, Extra Session 1967, p. 277, approved May 10, 1967) to provide that persons arrested for violations of the motor fuel laws, Sections 665(39) through 665(54), Title 51, Code of Alabama 1940, as amended may deposit their chauffeur's or driver's license with the arresting officer or the court in lieu of any other security.

H. 524. To amend Section 1, Act No. 393, Regular Session 1967 to provide that the Commissioner of Revenue may designate in writing agents or employees of the Department of Revenue, State of Alabama as peace officers with full police power to enforce the Alabama uniform certificate of title and auto theft laws.

H. 542. To amend Act No. 951, Acts of Alabama, Regular Session, 1975, to provide that a non-resident contractor shall satisfy the Highway Department that it has paid all taxes due and payable to the State of Alabama or any political subdivision thereof prior to receiving final payment for contract work.

H. 543. To amend Act No. 1007, Acts of Alabama, Regular Session, 1973, page 1542, to provide a definition for heavy duty equipment and to provide that a tax lien shall attach to all heavy duty equipment brought into or situated in this state at any time of the year and to provide for the payment of an ad valorem tax to be computed on a quarterly basis on said equipment.

H. 592. To amend further Section 64, Title 36, Code of Alabama 1940, Recompiled 1958, relating to learners' permits for drivers of motor vehicles, so as to provide that such permits for persons 16 years of age or older shall be valid for one year, and providing further for the issuance fees of such permits.

H. 658. To amend the title and Sections 1, 2, 3 and 4 of Act No. 917 of the 1969 Legislature (Acts of Alabama, Regular Session, 1969, p. 1653) so as to provide for the collection by the state department of revenue for such cities and towns of sales and use taxes on food purchased for human consumption that will be prepared and consumed off said premises and on sales or prescription drugs, regardless of exemptions on such food sales and prescription drug sales that might be now or hereafter provided in the sales and use tax laws of the State.

H. 659. To further amend Section 1 of Act No. 203, S. 131, Special Session 1965 (Acts of Alabama, Special Session 1965, p. 272), as amended by Act No. 176, H. 192, Special Session 1969 (Acts of Alabama, Special Session 1969, p. 242), relating to the collection and enforcement by the state department of revenue of certain privilege license taxes levied by cities and towns, so as to include taxes on rentals of rooms, lodgings and accommodations, so that certain privilege license taxes will continue to be collected on sales of food purchased for human consumption that will be prepared and consumed off said premises and on sales of prescription drugs, regardless of exemptions on such food sales or prescription drug sales that might be now or hereafter provided in the sales and use tax laws of the State.

H. 660. To provide that certain privilege, sales and use taxes levied for any county in the State of Alabama and collected by the state department of revenue, shall be subject to all definitions, exceptions, exemptions (provided, however, that such exemptions shall not include food that is to be prepared and consumed off premises and prescription drugs), proceeding, requirements, provisions, penalties, fines, punishments, and deductions as are provided by Act No. 100, H. 94, Second Special Session 1959, as amended or as the same may hereafter

be amended, except where inapplicable or otherwise provided and Article 11, Chapter 20, Title 51, Code of 1940, as amended, or as the same may hereafter be amended, except where inapplicable or otherwise provided.

H. 683. Regulating further license plates to be used on motor vehicles; providing for distinctive license plates for vehicles owned by members of certain organizations; and exempting such members from privilege or license tax and registration fees levied on automobiles and motor vehicles.

Mr. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 635. To amend Title 5, Section 27, Alabama Code, so as to provide that call reports shall be transmitted by each state bank to the superintendent of banks within thirty days after the receipt of a request therefor from him; to provide further that any state bank failing to transmit such call report within the thirty-day period shall pay a penalty to state banking department of one hundred dollars per day.

H. 636. To amend Title 5, Section 185, Alabama Code, relating to directors of banks or trust companies doing a banking business organized under Alabama law; to change the residence requirements by providing that at least three-fourths of the directors of every such bank or trust company shall meet one of the following requirements: (a) They shall reside in the State of Alabama. (b) They shall reside outside the State of Alabama, but within fifty miles of the principal place of business of such bank or trust company.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 563. To amend Title 2, Section 590 of the Code of Alabama of 1940, Recompiled 1958, relating to the custody of and certification of State standards by the National Bureau of Standards under which weighing and measuring devices are tested and calibrated for accuracy and records to be kept thereof; to amend said Section 590 of Title 2 by providing a procedure under which standards for weighing and measuring devices shall be tested and calibrated for accuracy as prescribed by the National Bureau of Standards.

H. 564. To authorize the Pesticide Residue Laboratory heretofore established by the Department of Agriculture and Industries at Auburn University pursuant to Act No. 132, H. 105, Legislature of 1965, 2nd Spec. Sess. (Acts of 1965, 2nd and 3rd Spec. Sess., p. 185), as amended by Act No. 399, H. 126, Legislature of 1966, Spec. Sess. (Acts of 1966, Spec. Sess., p. 538); to conduct analytical work for harmful drug residues; and to make an appropriation from the State Treasury for the fiscal year ending September 30, 1977 for the performance of such additional duties.

H. 565. Relating to persons engaged in the business of weighing for hire known as public weighmasters; to amend Title 2, Section 630 of the Code of Alabama of 1940, to increase the annual permit or appointment fee required to be paid to the Commissioner of Agriculture and Industries by persons engaged in the business of weighing for hire designated as weighmasters by increasing said annual fee to ten dollars.



H. 566. To amend Section 1 of Act No. 238, H. 288, approved July 27, 1953 (Acts of Alabama of 1953, Vol. I, p. 303, now appearing as Title 2, Section 23(1), Code of Alabama, Recompiled 1958), an Act providing for the designation of certain employees of the Department of Agriculture and Industries as "Cattle Theft Investigators" with authority of peace officers, etc.; to amend said Act No. 238 of 1953 to designate such employees of the Department of Agriculture and Industries as "Livestock Theft Investigators" with the power and authority of peace officers to conduct investigations and make arrests for any unlawful offense which may be exercised anywhere within the State of Alabama.

H. 567. Relating to public warehouses; to amend Section 570 of Title 2 of the Code of Alabama 1940 which relates to the annual filing fee to be paid to the Department of Agriculture and Industries by persons who operate a public warehouse; to require an annual filing fee of twenty-five dollars to be paid by persons operating a public warehouse; to prescribe the effective date of this Act.

H. 568. Relating to the membership of the State Board of Agriculture and Industries; to amend Sections 25 and 27 of Title 2 of the Code of Alabama of 1940, as amended, to provide that the Dean and Director of the School of Agriculture and Agricultural Experiment Station of Auburn University shall be a member of the State Board of Agriculture and Industries; and, that any ex officio member of said Board may designate or appoint any member of his staff to attend meetings in his place and stead when such ex officio member cannot attend.

H. 569. Relating to cotton gins and the regulations thereof by the Department of Agriculture and Industries; to amend Section 172 of Title 2 of the Code of Alabama of 1940, as heretofore amended by Act No. 401, H. 190, approved August 16, 1965, (Acts of Alabama of 1965, Vol. I, p. 577) relating to the annual permit fee required for the operation of a cotton gin; prescribing the amount of such permit fee, and the date on which this Act shall become effective.

H. 570. To prescribe a procedure for complaints, investigations, findings and recommendations where purchasers of agricultural, vegetable, flower, tree, shrub and herb seeds suffer damages as a result of any such seed not being in compliance with legal requirements which govern the sale thereof or where the seed fail to perform as represented; to create and establish an investigation and arbitration committee for this purpose and to prescribe its powers, duties and authority.

Mr. Cross, Chairman of the Standing Committee on Commerce and Transportation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 426. To repeal Title 48, Section 109 which requires the filing with the Public Service Commission a verified list of all railroad tickets, passes, mileage books, issued free or for other than actual bona fide money consideration at full established rates during the preceding year.

Mr. Cross, Chairman of the Standing Committee on Commerce and Transportation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 427. (With Amendment): This bill amends Section 170, Title 148, Code of Alabama 1940 to change the requirements of the duty of

an engineer as to the operation of a railroad locomotive by deleting the requirement that an engineer must approach a public crossing located in a curve which cannot be seen at least one-quarter of a mile ahead at such speed as to prevent an accident in the event there is an obstruction at the crossing.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 384. Providing that the governing body of each county shall pay the expenses incurred by its Judge of Probate and personnel in his office for membership in his State and National organization, and for attendance upon State or National conferences, schools or other functions pertaining to their offices.

H. 455. To amend Section 1 of Act No. 610, H. 811, Regular Session 1951 [Acts 1951, p. 1054, now appearing in Code of Alabama, Recompiled 1958, Title 51, Section 835], as amended, relating to license inspectors and their duties; so as to provide that the county commissions or other like governing bodies of the several counties shall appoint a license inspector for each county and repeal conflicting statutes.

H. 236. To provide an additional alternative procedure whereby incorporated municipalities of this state may alter their corporation limits to incorporate into their boundaries certain contiguous unincorporated territory upon petition of certain landowners of the area sought to be annexed.

H. 238. Incorporated municipalities shall be authorized to annex territory which lies and is located in, and which is enclosed within the corporate limits of such municipality and has been so enclosed for a period of five years or more; prescribing procedures for the annexation of such territory.

Mr. Smith (B), Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 20. To be known as the Alabama Rules of the Road Act, providing rules of highway and traffic safety, establishing general rules relating to the effect of traffic laws, establishing certain traffic laws and penalties for the violation thereof, providing for the establishment of traffic signs, signals and markings, and providing for certain powers of the state highway department and the department of public safety of this state; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

Mr. Smith (J), Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 151. (With Substitute): To provide further for the conduct of elections in the State of Alabama, including reporting of and limitation on political contributions and expenditures, prohibiting specified acts in connection with elections, and providing for definitions of certain words and phrases used in the Act; to exclude from certain provisions of the Act candidates with respect to which expenditures aggregating less than

\$1,000 are made; to provide for certain requirements in connection with the organization and operation of political committees including the officers thereof, the manner of receiving and holding contributions thereby, record keeping practices of such committees, retention of records, notice of unauthorized activities, designation by a candidate of a principal campaign committee, and the filing of reports with such principal campaign committee; to provide for the registration of political committees, the contents of registration statements, amendments to registration statements, notice in the event of disbanding of political committees and of certain other events, and the filing of reports by political committee other than principal campaign committees; to provide for reports of receipts and expenditures, including the deadline for the filing of such reports, the contents of such reports, the periods required to be covered by such reports, reporting of contributions or expenditures by persons other than a political committee or a candidate; to provide for preservation of copies of reports required under the Act, treatment of debts, pledges, etc. in reports, and to make provision for filing by registered or certified mail; to provide for reports by persons other than an individual or political committee; to authorize private corporations to make political contributions; to provide for campaign depositories, petty cash funds and the mode and manner of making deposits to and withdrawals from such depositories and funds; to provide for the State Election Commission, to provide for the members and terms of members of such Commission and the mode and manner of appointment of such members, to prohibit from membership on the Commission any person who has qualified to run for office or who has held any federal, state or local public office within five years prior to appointment, to provide for the officers of the Commission, to provide for the compensation and reimbursement of expenses of officers of the Commission, to provide for the power of the Commission, including the power to promulgate and adopt rules and regulations, to issue subpoenas and compel testimony, to institute and prosecute actions in the courts, and to appoint hearing examiners to take evidence in matters before the Commission, to provide for the duties of the Commission in implementing the provisions of the Act, to provide that the Secretary of State shall perform the ministerial functions of the Commission, to provide for the manner of filing and hearing complaints of violations of the Act and of other election laws by the Commission, to provide for remedies to be applied by the Commission upon the finding of a violation of the provisions of the Act or of the election laws of the State, to provide for the calling of new elections in the event of certain violations of the Act and the manner of holding such elections, to provide for the time within which the Commission must act in considering complaints brought under the provisions of the Act and for appeals from certain orders of the Commission, to provide that the Attorney General shall provide legal advice to the Commission and shall represent the Commission in court proceedings; to provide limitations on contributions and expenditures of persons, firms, corporations, labor unions, political committees, candidates and others, to provide for the adjustment of limitations on expenditures based on the consumer price index; to provide for permissible use of contributed amounts remaining after payment of the campaign expenditures; to prohibit intimidation of voters, to declare intimidation of voters to be a criminal act, and to provide penalties therefor; to prohibit expenditures to influence voting, to declare the making of expenditures to influence voting a criminal act, and to provide penalties therefor; to prohibit the promise of appointment by a candidate in certain cases, to declare the promise of appointment by a candidate a criminal act in certain cases, and to provide for penalties therefor; to prohibit promise of employment or other benefit for political activity, to declare promise of employment or other benefit for political activity a

criminal act, and to provide for penalties therefor; to prohibit deprivation of employment or other benefit for political activity, to declare deprivation of employment or other benefit for political activity a crime, and to provide a penalty therefor; to prohibit publication or distribution of political statements without identification of the persons sponsoring such statements, to declare publication or distribution of political statements without identification of the persons sponsoring such statements a crime, and to provide a penalty therefor; to prohibit contributions in the name of another, to declare the making of contributions in the name of another a crime, and to provide a penalty therefor; to limit contributions of currency, to declare contributions of currency in excess of such limitation to be criminal acts, and to provide penalties therefor; to prohibit fraudulent misrepresentation of campaign authority, to declare fraudulent misrepresentation of campaign authority a crime and to provide penalties therefor; to enumerate and define certain other practices at elections as corrupt practices; to repeal certain laws including Sections 268 to 286, inclusive, of Title 17 of the Code of Alabama of 1940, as amended, laws prohibiting private corporations and utilities from making campaign contributions, and all other laws in conflict with the provisions of the Act to the extent of such conflict; to declare that the provisions of the Act are severable and that a ruling that one portion of the Act is unconstitutional or invalid shall not affect the remaining portions of the Act; to provide for the effective date of the Act.

Mr. Smith (J), Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 209. (With Amendments): To amend provisions of Title 17 regarding election procedure, nominations, time of elections, voting centers, abolishing paper ballots in 1980, allowing electronic voting at county option, canvassing, and election contests.

Mr. Smith (J), Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 213. (With Substitute): To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to the legislative department of state government; to repeal specifically the following Sections thereof: 49, 57, 65, 68, 69, 74, 75, 77, 78, 79, 80, 81, 84, 85, 86, 87, 88, 90, 92, 95, 99, 101, 102, 103, 108, 109, 229 and 238; to amend and supersede the following Sections: 44, 45, 46, 47, 48, 51, 52, 53, 54, 55, 56, 58, 59, 61, 62, 63, 64, 66, 67, 70, 71, 72, 73, 76, 82, 83, 97, 98, 100, 104, 105, 106, 107, 110, and 111, and Constitutional Amendments No. 39, 57, 97 and 159; and to supersede and repeal all other conflicting provisions thereof.

The above bill was read a second time at length as required by the Constitution.

Mr. Smith (J), Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 339. To amend Sections 4, 5, 6 and 7 of Act No. 1147, H. 113, Regular Session 1975, (Acts 1975, p. 2251), so as to remove the requirement that the voter's signature on the absentee ballot be acknowledged.

H. 297. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, to be numbered Article XI thereof, relating to public officers; to supersede the following provisions of the Constitution of Alabama of 1901, as amended: Sections 60, 96, 104(24), 130, 279, 280 and 281 and Amendments No. 2, 4, 26A, 28, 43, 44, 46, 47, 48, 50, 62, 64, 85, 88, 92, 103, 127, 134, 135, 136, 137, 138, 139, 185, 196, 215, 229, 231, 246, 241, 249, 265, 290, 297, 306, 321 and 326; and to repeal all conflicting provisions of said constitution and amendments thereto.

The above bill was read a second time at length as required by the Constitution.

H. 299. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to local government and home rule; amending and superseding specifically Sections 38, 39, 40, 41, 89, 220 and 228 and Amendments No. 81, 132, 140, 142, 144 and 184 of the Constitution of Alabama of 1901, as amended; and repealing and superseding all other conflicting provisions of said constitution and amendments thereto.

The above bill was read a second time at length as required by the Constitution.

Mr. Smith (J), Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 187. (With Amendment): To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to public education in this state; repealing specifically Sections 257, 258, 259, 260, 261, 262, 263, 265, 266, 267, 268 and 270 of said Constitution and repealing and superseding Article XIV and Amendments No. 111, 161 and 284 and all other conflicting provisions thereof.

The above bill was read a second time at length as required by the Constitution.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 602. Relating to Chambers County: to provide the Chambers County Commission with authority to employ appraisers, mappers, clerical personnel and other personnel to maintain current evaluation of all real property and valuation of personal property.

H. 632. Relating to Tuscaloosa County; levying an excise and privilege tax on the severance of coal in said county; providing for the collection, payment, and administration of such tax; and providing for the use of the proceeds of the tax.

H. 666. Relating to all counties having a population of not less than 57,000 nor more than 61,000 inhabitants according to the 1970 or any subsequent federal decennial census; providing for an additional expense allowance for the probate judge, tax assessor, tax collector, county commissioners and sheriff.

H. 668. Relating to any county having a population of not less than 57,000 nor more than 61,000 according to the 1970 or any subsequent federal decennial census; exempting all volunteer fire departments within any such county from the payment of all state, county and municipal sales and use taxes.

H. 657. Relating to all counties having a population of not less than 56,500 nor more than 59,000 inhabitants according to 1970 or any subsequent federal decennial census; to further regulate the assessment and collection of ad valorem taxes on certain real properties in such counties which have been improved with a new residential structure constructed for re-sale or rental purposes.

H. 671. To provide the county commission in all counties having a population of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census, with authority to employ appraisers, mappers, and clerical personnel to maintain current evaluation of all real property and valuation of personal property within the county.

#### LEAVE OF ABSENCE

At the request of Mr. McCorquodale, leave of absence was granted for Mr. Moore (W), due to illness.

#### NOTICE IN WRITING

Mr. Shelton filed the following Notice in Writing:

#### NOTICE IN WRITING OF MOTION TO AMEND THE RULES

Notice is hereby given in accordance with the House Rules that on the next legislative day a motion will be made to amend House Rule 43 as follows:

Rule 43. The following shall constitute the standing committees of the House:

- (1) Rules
- (2) Ways and Means
- (3) Judiciary
- (4) State Administration
- (5) Business and Labor
- (6) Health
- (7) Banking
- (8) Insurance
- (9) Education
- (10) Agriculture
- (11) Conservation
- (12) Public Welfare
- (13) Constitution and Elections
- (14) Commerce and Transportation
- (15) Local Government
- (16) Military Affairs
- (17) Highway Safety
- (18) Local Legislation No. 1
- (19) Local Legislation No. 2
- (20) Local Legislation No. 3
- (21) Local Legislation No. 4
- (22) Local Legislation No. 5 (which shall be composed of the Calhoun County Delegation)
- (23) Intergovernmental Cooperation

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Messrs. Sparks and Crowe:

H. 685. Relating to counties with populations of not less than 16,600 nor more than 16,950, authorizing and directing the State Highway Department to maintain all county roads which serve as rural mail or school bus routes.

Local Legislation No. 1.

By Mr. Coburn:

H. 686. Creating the office of Clerk of District Court in all judicial circuits composed of one county having a population of not less than 65,600 nor more than 75,200 inhabitants according to the 1970 or any subsequent federal decennial census; prescribing the duties and qualifications of such officer; providing for the manner of his or her appointment; and providing for the payment of his or her salary and for the payment of operating expenses of the office.

Local Legislation No. 1.

By Messrs. Higginbotham, Whatley, Baker and Smith (M):

H. 687. To exempt Smith's Water Authority in Lee County, Alabama from the provisions of Act No. 21, H. 28 of the 1969 Special Session of the Legislature, as amended, which levied a certain tax on the gross receipts and gross sales of certain utilities.

Ways and Means.

By Mr. Coburn:

H. 688. To amend further Act No. 643, S. 414, 1959 Regular Session (Acts 1959, p. 1557), now appearing as Sections 361(4)-(11), Title 52, Code of Alabama 1940, Recompiled 1958, which act creates the Alabama State Tenure Commission for state teachers, so as to provide that the Alabama State Federation of Teachers shall have representation on said Commission equal to that held by the Alabama Education Association; and to provide that any motion of the Commission shall fail on a tie vote.

Business and Labor.

By Mr. Coburn:

H. 689. To amend further Section 367, Title 52, Code of Alabama 1940, recompiled 1958, relating to the composition of the Board of Control of the Teachers' Retirement System, so as to provide that the Alabama State Federation of Teachers shall have representation of said Board of Control equal to that held by the Alabama Education Association; and to provide the Board the authority to adopt certain rules and regulations relative to elections of Board members.

Business and Labor.

By Messrs. Moore (O) and Smith (C) (With Notice and Proof):

H. 690. Relating to Shelby County, providing for the election and tenure of the members of the county board of education.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 690, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Moore (O) and Smith (C) (With Notice and Proof):

H. 691. Relating to Shelby County; and providing for pay and mileage for all jurors in Shelby County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 691, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mrs. Quarles:

H. 692. To authorize the superintendent of the state department of education to contract with any independent firm of his choice, within or without the state and without regard to the state competitive bid laws, for the purpose of conducting an independent study and presenting a program for the regional day school educational needs of the blind in Alabama, and appropriates a supplemental amount not to exceed \$25,000 out of the Alabama Special Education Trust Fund, to cover the cost of such study, to the state department of education for the current fiscal year; and to require that the state superintendent of education report the conclusions and recommendations to the legislature by the first day of the 1978 Regular Session.

Ways and Means.

By Mr. Wyatt:

H. 693. To provide for refunds on overpayment or erroneous payment of taxes or licenses to the alcoholic beverage control board, and for refunds of taxes prepaid to board where losses of tax paid alcoholic beverages are sustained prior to sale of alcoholic beverages at retail; and to provide a refund procedure.

Business and Labor.

By Mr. Venable:

H. 694. To amend further Sections 1 and 3 of Act No. 47, H. 29, Regular Session 1951, (Acts of 1951, p. 259) as last amended, entitled "An Act To provide educational benefits to certain disabled veterans; to dependents and survivors of disabled veterans; and to dependents and survivors of deceased servicemen or veterans"; so as to allow children of certain deceased or disabled veterans to initiate training under said act up to their thirty-fourth birthday.

Ways and Means.

By Mr. McCluskey:

H. 695. To validate retroactively certain elections held since January 17, 1977, under Constitutional Amendment III or Constitutional Amendment CXLV or the provisions of article six or seven of chapter ten, title fifty-two, Code of Alabama 1940, or under any other law, for the purpose of authorizing a special tax for school purposes.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.



REGULAR SESSION  
6th Day

315

By Messrs. Smith (C) and Plaster:

H. 696. To provide for capital gains treatment on state income tax returns for sale of certain severed timber to the same extent and subject to the same limitations as is provided by the federal tax law; and to provide that its provisions shall have retroactive effect to January 1, 1977.

Ways and Means.

By Messrs. Smith (C) and Plaster:

H. 697. To provide a deduction from state income taxation for certain losses of an Alabama taxpayer incurred pursuant to the bankruptcy of an insurance company.

Ways and Means.

By Messrs. Cooper, Reed, Warren, Holmes (A), Killian, Campbell, Whatley, McMillan, Glass, Callahan, Pegues, McCulley, Porter, Waggoner, Coburn, Gafford, Shelton, Lewis, Smith (C) and Holmes (D):

H. 698. To appropriate monies from the Alabama Special Educational Trust Fund for support of "Opportunities Industrialization Centers" designed to enable certain economically disadvantaged, unemployed and underemployed persons to secure and retain employment at their maximum capacity and to prescribe regulations applicable to the expenditure of such monies.

Ways and Means.

By Messrs. Cooper, Sonnier, McCulley, Killian, Manley, Pegues and Campbell:

H. 699. To provide an office of central registry within the Department of Pensions and Security for the location of absent parents who fail to support their children, and to define certain duties of said office.

Ways and Means.

By Mr. Manley:

H. 700. Relating to the Retirement Systems of Alabama; providing for the remedy of certain inequities and the clarification of ambiguities in the retirement laws of Alabama; and providing statutory notice of existing administrative practices, rules and regulations of the Boards of Control of the Retirement System of Alabama.

Judiciary.

By Mr. Manley:

H. 701. To further amend Section 5 of Act No. 21, H. 28, Special Session of 1969 (Acts of Alabama 1969, p. 46; now appearing in Code of Alabama 1940, Recompiled 1958, Title 51, Section 188(1)) levying a privilege or license tax against certain persons and utilities on account of the furnishing of certain utility services and to prescribe the rates and exclusions therefrom so as to further provide for an exclusion for any individuals sixty-five years of age or over.

Ways and Means.

By Mr. Whatley:

H. 702. To require that city and county boards of education, the State Board of Education, other educational agencies, the Alabama Institute for Deaf and Blind and the Alabama's senior universities reimburse its employees for mileage when said employees are required to travel as a part of their job assignment.

Ways and Means.

By Messrs. Campbell and Manley:

H. 703. Relating to cities having a population of not less than 3,000 nor more than 3,050 according to the 1970 or any subsequent federal decennial census; to provide that such cities can install, erect and maintain traffic control lights at the intersection of any public highway, street or road within the city limits.

Local Legislation No. 1.

By Messrs. Dial and Moore (O):

H. 704. To redivide the state into judicial circuits so as to create a Thirty-Ninth Judicial Circuit consisting of Clay, Cleburne and Coosa Counties and to create a new district attorney's position.

Ways and Means.

By Messrs. Dial, Merrill, Shelton and Holmes (D):

H. 705. To provide for a deputy district attorney for Cleburne County, 7th Judicial Circuit, State of Alabama; to prescribe his powers and duties; and to set his compensation therefor; and to make provisions retroactive to January 1, 1977.

Ways and Means.

By Mr. Naramore:

H. 706. To amend Act No. 281 adopted at the 1969 Regular Session of the Legislature of Alabama relating to the promotion of safe transportation of pupils to and from schools and in school related activities; to directing the state board of education to prescribe certain rules and regulations designed to promote this purpose; to the provision of school transportation managers or supervisors; to prescribing certain equipment for school buses; to the provision for safety inspection of school buses; to the provision for special training and licensing of school bus drivers; and to the prescribing of penalties.

Ways and Means.

By Messrs. Campbell and Manley:

H. 707. To amend further Act No. 1590, S. 415, 1971 Regular Session (1971 Acts, p. 2717), which provides for establishing and enforcing rules and regulations for training, licensing and related requirements for ambulance operators, attendants, and drivers and rules and regulations for the operations, design, equipment and inspection and licensing of ambulances, and which prescribes penalties for violation of such rules and regulations and exempts certain volunteer rescue squads from the provisions of the Act, so as to delete Sumter County from provisions of this Act exempting Marengo and Sumter Counties from certain provisions of the Act and granting the county governing bodies of such counties certain regulatory powers relative to ambulances, ambulance attendants and ambulance drivers, for such purposes amending the title and Section 6 of such Act.

Local Legislation No. 1.

By Mr. Hines:

H. 708. To propose an amendment to the Constitution of Alabama providing for home rule for Escambia County or any municipality within Escambia County.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

REGULAR SESSION  
6th Day

317

By Messrs. Armstrong, Boles, McNair, Trammell and Howard:

H. 709. To require the department of public safety to maintain its present office for testing driver license applicants within the City of Bessemer.

State Administration.

By Mr. McCulley:

H. 710. To exempt Exceptional Children, Inc., Washington County Day Care Center, Sunflower School, from payment of all sales and use taxes.

Ways and Means.

By Messrs. McCulley and Warren:

H. 711. Prescribing an arrest fee to be taxed, as costs, on all convictions resulting from arrests by deputy game wardens for violations of game and fish laws and providing that such fee shall be paid to the arresting officer.

Conservation.

By Mr. Clark:

H. 712. To amend Section 10 of Act No. 1054, H. 2173 of the 1973 Regular Session of the Legislature (Acts 1973, Vol. III, p. 1693) pertaining to additional unlawful acts in counties having populations of not less than 115,000 nor more than 130,000 according to the 1970 or any subsequent federal decennial census, in regard to the sale of table wine, so as to make the unlawful acts in said counties conform to the general law of Alabama governing the sale of alcoholic beverages.

Local Legislation No. 1.

By Mr. Clark:

H. 713. To amend Section 10 of Act No. 947, H. 1841 of the 1975 Regular Session of the Legislature (Acts 1975, Vol. III, p. 1978) pertaining to additional unlawful acts in counties having populations of 10,660 or less according to the most recent federal decennial census, in regard to the sale of table wine, so as to make the unlawful acts in said counties conform to the general law of Alabama governing the sale of alcoholic beverages.

Local Legislation No. 1.

By Mr. Merrill:

H. 714. To regulate further the deposit and investment of state funds; and for such purpose to amend further Sections 1, 2, 3, and 4 of Act No. 3, H. 64, 1967 Regular Session, [Acts of Alabama 1967, p. 336, now appearing in Code of Alabama, Recompiled 1958, Title 55, Section 393 (1-9)], as amended; to prescribe the manner of determining the amount of state funds to be deposited in state depositories and the type of deposits therein and the amount to be invested and to regulate the interest rate thereon.

Ways and Means.

By Mr. Morris:

H. 715. To allow individual taxpayers as a state income tax deduction for the taxable year an amount equal to the aggregate of the net operating loss carryover to such year, plus the net operating loss carry-backs to such year.

Ways and Means.

By Messrs. Manley, Callahan and Turnham:

H. 716. To amend Title 16, Education, Chapter 13, Article 3, Section 16-13-56 of the Code of Alabama, 1975.

Judiciary.

By Messrs. Manley and Callahan:

H. 717. To direct the Code Commissioner to correct an error which appears in Title 16, Chapter 13, Article 3, Section 16-13-56 of the Manuscript of the Code 1975, which was adopted by Act No. 1, H. 100 of the current session of the Legislature, the section of such manuscript which deals with the determination of the amount of local funds available for purposes of the minimum school program, in order to make this section correctly state the law on this subject.

Judiciary.

By Messrs. Riddick and Coburn:

H. 718. To exempt all domestic non-profit charitable organizations, corporations, associations or like groups, from paying any state sales or use tax; to authorize the commissioner of revenue to establish, issue and promulgate all reasonable rules and regulations controlling the exemptions, the issuance of exemption certificates and to carry out the provisions of this act.

Ways and Means.

By Messrs. Carothers, Crowe, Morris, Whatley, Robertson, Johnson, McCulley, McMillan, Callahan, Gafford, White and Smith (J):

H. 719. Proposing an amendment to further amend Article XI, Section 217, subsections (b) and (c), of the Constitution of Alabama 1901 relative to ad valorem taxation; providing for the decrease of the assessment rate of taxation on Class III property, all agricultural, forest and residential property.

Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Mr. Dial:

H. 720. To appropriate an additional \$3,000 from the state general fund to the state forestry commission for emergency forest fire suppression in Talladega County.

Ways and Means.

By Mr. Albright:

H. 721. To provide for the appointment of an assistant district attorney in the twenty-third judicial circuit; to prescribe his qualifications, powers and duties and to provide for payment of his compensation.

Local Legislation No. 4.

By Messrs. Crowe and McMillan:

H. 722. To make a conditional appropriation to the Alabama Forestry Commission for the purpose of establishing a wildfire emergency fund; to provide for use of the fund; and to provide that the fund be replenished back to its original amount at the end of the fiscal year.

Ways and Means.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Porter:

H. R. 73. Commending Mrs. Gregory Durr White for her many years of outstanding service to the Birmingham community in the cultivation of music appreciation.

WHEREAS, Mrs. Gregory Durr White has served as choral director and organist of the Sixth Avenue Baptist Church for more than twenty years; and,

WHEREAS, During her full and rewarding music career she has served as Choral Director of the choirs at Miles College, Ullman High School and Ramsay High; and

WHEREAS, Her unique talent has been an intricate part of the religious, social and civic life of our community in services of worship, weddings, funerals, fraternity and sorority programs, and receptions of all kind; and,

WHEREAS, Mrs. White has been a great source of inspiration and has exhibited throughout her life those admirable attributes of friendliness, devotion to duty, concern for all mankind; and,

WHEREAS, this assembly would like to pay tribute to this great but humble lady who has made and will continue to make a significant and lasting contribution to the State of Alabama;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, That we do commend Mrs. Gregory Durr White for her many years' service to the people of the greater Birmingham area through her contributions to the cultural life of the community.

On motion of Mr. Porter, the rules were suspended and the resolution, H. R. 73, was adopted.

Also:

By Mr. McCluskey:

H. J. R. 74. DEPLORING THE PRESIDENTIAL PARDON OF VIETNAM DRAFT DODGERS AND MEMORIALIZING PRESIDENT CARTER NOT TO EXTEND PARDONS OR AMNESTIES TO DESERTERS OF THE VIETNAM CONFLICT.

WHEREAS, our great nation was founded on the noble principles of sacrifice and devotion to duty; and

WHEREAS, for two hundred years every American worthy of the name, when asked to serve his country, has responded courageously to preserve our country's finest ideals for future generations, and there can be no better example of patriotism; and

WHEREAS, hundreds of thousands of Americans honorably gave service to this country when called upon to do so in Vietnam; and

WHEREAS, thousands of American servicemen were wounded, disabled, and killed in action in Vietnam and Southeast Asia; and

WHEREAS, these servicemen gave of themselves to preserve the ideals of the democratic system of government; and

## 6th Day

WHEREAS, these gallant citizens who served in this unpopular conflict exhibited on a rare scale the attributes of courage, patriotism, and devotion to duty; and

WHEREAS, the friends and families of those wounded and killed in Vietnam have suffered great hardship and personal grief; and

WHEREAS, thousands of draft dodgers and deserters chose to expatriate themselves from this country while others were honorably serving; and

WHEREAS, such draft dodgers and deserters had an opportunity for a case by case determination of their actions; and

WHEREAS, such flagrant disregard for the laws of this nation undermines the moral strength of our Republic and is a travesty against those who served so honorably and the thousands who sacrificed their lives; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body deplores the presidential pardons granted to the Vietnam draft dodgers and we do respectfully urge President Carter not to extend pardons or amnesties to deserters of the Vietnam conflict.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the President of the United States and to each member of the Alabama Congressional Delegation.

On motion of Mr. McCluskey, the rules were suspended and the resolution, H. J. R. 74, was adopted.

## UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Barron, Campbell, Cates, Cooper, Crawford, Crowe, Goodwin, Holmes (D), Hopping, Jolly, McCulley, McNeese, Martin, Moore (O), Naramore, Pegues, Sasser, Smith (C), Smith (M), Taylor, Trammell, Venable, Warren, Weeks, White and Williams added as co-sponsors to the resolution, H. J. R. 74.

Also:

By Messrs. Martin, Roberts and Drake:

H. J. R. 75. HONORING AND CONGRATULATING COACH JOE JONES OF DECATUR, ALABAMA.

WHEREAS, Joe Jones, presently Head Basketball Coach and Athletic Director at Austin High School in Decatur, has entered a most select group of coaches by reaching his 500th victory during a career of twenty-eight years, all of which were spent in Morgan County, Alabama; and

WHEREAS, he began his career in Danville, Alabama, in 1949 and 1950, then coached in Austinville from 1950 to 1957, at Decatur High School from 1957 to 1962, and then at Austin High from 1962 until the present time, where he captured his 500th victory the first game of the 1976-1977 season, against Moulton High School on November 23, 1976; and

WHEREAS, under his brilliant leadership, Coach Jones' team have won State Championships in 1953, 1969 and 1973, and he also holds the honor of being the only coach in the state to win basketball championships in A, AAA and AAAA Divisions; and

REGULAR SESSION  
6th Day

321

WHEREAS, it is known that Joe Jones' greatest asset lies in working with and motivating young people, and that he has been instrumental in a great number of boys being able to attend college on athletic scholarships; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly praise Coach Joe Jones of Austin High School, Decatur, Alabama, for outstanding service to our youth and for his many achievements during his coaching career, and also heartily congratulate him for his 500th basketball victory.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Joe Jones and his wife, Dean Simmons Jones, and to their three lovely daughters.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 75, on the Clerk's desk for one legislative day.

Also:

By Mr. Martin:

H. J. R. 76. HONORING RUTLEDGE S. THOMAS FOR NOTABLE SERVICE DURING HIS TWENTY-TWO YEARS AS CITY COUNCILMAN FOR THE CITY OF DECATUR.

WHEREAS, Rutledge S. Thomas, born in Birmingham, Alabama, on November 9, 1901, the son of Jacob P. and Urania Gardien Thomas, was educated in the Catholic schools and at Blessed Sacrament Academy in Birmingham, and is owner-manager of the Thomas Abstract Company, a pioneer concern founded by his father; and

WHEREAS, Mr. Thomas, who has served at Rotary Club President and secretary and has a perfect attendance record of forty-one years, is also a member of the Roman Catholic Church, the Knights of Columbus, and is a loyal Democrat who has voted a "straight" ticket all his life; and

WHEREAS, he was elected to the Decatur City Council in 1944, serving until 1958 at which time the commission form of government came into effect, and was elected again in 1968, serving until October, 1976; and

WHEREAS, during his twenty-two years as councilman, in which time the population of Decatur grew from approximately 17,000 in 1944 to approximately 50,000 in 1976, and the city's budget increased phenomenally from \$149,150 in 1944 to \$1,210,165 in 1958, then to \$2,717,184 in 1968, reaching \$7,566,722 in 1976; and

WHEREAS, tireless efforts on the part of Rutledge Thomas also have resulted in a number of meaningful projects being completed in Decatur, such vital additions as a new city hall, three new high schools, three new elementary schools, two new middle schools, five new fire stations, three new recreational facilities and Point Mallard, an area recreational project; and

WHEREAS, Mr. Thomas, a devoted family man as well as a fine and honorable leader, has dedicated his life to rendering trustworthy and impressive service to his community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we applaud the innumerable

accomplishments of Rutledge S. Thomas of Decatur, Alabama, and honor him for his twenty-two years of service in the capacity of Decatur City Councilman.

BE IT FURTHER RESOLVED, That copies of this resolution shall be sent to Mr. and Mrs. Thomas and to their daughter, Mrs. Murial Cecilia Cox that they may know of our high esteem.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 76, on the Clerk's desk for one legislative day.

Also:

By Mr. Martin:

H. J. R. 77. HONORING MISS FLORENCE E. ADAMS FOR MERITORIOUS SERVICE TO THE CITY OF DECATUR.

WHEREAS, Miss Florence E. Adams, born in Eatonton (Putnam) Georgia, March 10, 1911, came to live in Decatur at a very young age and attended high school at Central High, Decatur, Alabama; and

WHEREAS, she began her work for the City of Decatur in 1936 on a temporary basis for a few weeks which turned into some forty years of dedicated service; and

WHEREAS, Miss Adams, of proven superior ability, became Assistant City Clerk in 1943 and was named City Clerk of the City of Decatur on October 1, 1965, in which capacity she remained until her retirement in October, 1976, her office handling revenue funds that grew from some \$2,000,000 to more than \$7,600,000 while she served her city as Clerk; and

WHEREAS, she was honored upon her retirement by the League of Municipalities for the many years she dedicated to furthering the work of that organization; she also was an active member of the Methodist Church, and a participant in many civic affairs, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly praise and commend the outstanding services and abilities of Miss Florence E. Adams of Decatur, Alabama, and wish for her long years of happiness in her retirement, and in her travels and future pursuits.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Miss Adams as a token of our warm feelings.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 77, on the Clerk's desk for one legislative day.

Also:

By Messrs. Martin, Roberts, Cross and Drake:

H. J. R. 78. HONORING LEON NELSON FOR OUTSTANDING SERVICE TO MORGAN COUNTY.

WHEREAS, Leon Nelson took office as a member of the Morgan County Commission on January 15, 1957, and his term of office expired on January 10, 1977; and

WHEREAS, during these twenty years, he served faithfully and efficiently as a member of the Commission and, jointly with the other



members of the Commission, met the many problems confronting Morgan County; and

WHEREAS, during his terms, which saw a new courthouse constructed, several new bridges built, the roads in his district greatly improved, and county-wide water and garbage collection services provided, Morgan County also moved into the 20th Century, changing from a largely agricultural county into one of industry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mr. Leon Nelson is hereby commended for his integrity, his diligence, his kindness and courtesy, and for the excellent manner in which he performed all the duties of the office of County Commissioner of Morgan County.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Nelson that he may know of our high regard.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 78, on the Clerk's desk for one legislative day.

Also:

By Messrs. Roberts, Martin, Cross and Drake:

H. J. R. 79. HONORING RUBERT W. ABERCROMBIE FOR TWELVE YEARS OF INVALUABLE SERVICE IN THE OFFICE OF COUNTY COMMISSIONER, MORGAN COUNTY.

WHEREAS, Rubert W. Abercrombie took office as a member of Morgan County Commission on January 12, 1965, and his term of office expired on January 10, 1977; and

WHEREAS, during these twelve years, he served faithfully and efficiently as a member of the Commission and, jointly with the other members of the Commission, met the many problems confronting Morgan County; and

WHEREAS, during his terms, a new courthouse was constructed, many roads in his district were improved, countywide water and garbage collection services were provided, and many advances in other areas were made; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly commend Mr. Abercrombie for his integrity, his diligence, his kindness and courtesy, and the excellent manner in which he performed all the duties of the office of County Commissioner of Morgan County.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Rubert W. Abercrombie.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 79, on the Clerk's desk for one legislative day.

#### UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show that Mrs. Quarles would have voted "Yea" on the bill, H. 348, had she not been absent on State business at the time of voting.

## MOTION TO RECONSIDER H. 348 ADOPTED

Having voted on the prevailing side and previously filed a Motion in Writing, Mr. Holley offered the motion to reconsider the vote by which the bill, H. 348 as amended, passed, and the motion to reconsider was adopted.

Yeas 42; Nays 36.

*Yeas:*

Messrs.: Albright, Baker, Barron, Boles, Brindley, Buskey, Campbell, Cross, Dial, Ford, Greer, Gregg, Hall, Harrison, Higginbotham, Hill, Hilliard, Holley, Hopping, Howard, Johnson, Johnstone, Jolly, Killian, Leonard, Lockett, Lutz, Manley, Martin, Porter, Quarles, Riddick, Roberts, Shelton, Smith (B), Smith (C), Smith (M), Starkey, Taylor, Turnham, Whately and Wyatt.

—42

*Nays:*

Mr. Speaker, Armstrong, Callahan, Carothers, Carter, Cates, Coburn, Crawford, Crowe, Drake, Edwards, Falkenburg, Gafford, Goodwin, Jackson (F), Kinsey, McCluskey, McCulley, McMillan, Merrill, Moore (O), Morris, Naramore, Owens, Pegues, Rich, Robertson, Sasser, Smith (J), Sparks, Venable, Waggoner, Warren, Weeks, White and Williams.

—36

The Clerk was directed to request the return of the bill, H. 348, from the Senate for further consideration by the House.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 17. CONDEMNING THE U. S. S. R. FOR ITS REFUSAL TO ADHERE TO THE TERMS OF THE 1973 UNITED NATIONS DECLARATION OF HUMAN RIGHTS AND THE 1975 CONFERENCE ON EUROPEAN SECURITY AND COOPERATION.

Also:

S. J. R. 18. MOURNING THE DEATH OF WILMER S. POYNOR, JR.

Also:

S. J. R. 19. COMMENDING JOE SEWELL ON BEING ELECTED TO THE BASEBALL HALL OF FAME.

Also:

S. J. R. 21. WISHING KAREN LEWIS A HAPPY BIRTHDAY.

Also:

S. J. R. 23. COMMENDING CLETE QUICK FOR HIS OUTSTANDING CONTRIBUTIONS TO THE NORTH ALABAMA LEGISLATIVE COUNCIL.

Also:

S. J. R. 235. COMMENDING AND PRAISING JERRY BOYD, TERRY SPAIN, BEVERLY BASHAM AND JIM RANKIN.

Also:

S. J. R. 236. COMMENDING AND PRAISING JIM ROMBOKAS AND GARY WHITLOW FOR BRAVERY.

Also:

S. J. R. 11. COMMENDING THE GRISSOM DISTANCE RUNNERS FOR BREAKING THE STATE 24-HOUR RELAY RECORD.

McDOWELL LEE,  
Secretary.

#### SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

#### RESOLUTIONS

The following resolutions introduced on the fifth Legislative day were read by title pursuant to Joint Rule 11:

H. R. 60. MOURNING THE DEATH OF JOHN HARVEY BAKER.

H. J. R. 69. HONORING AND CONGRATULATING WILLIAM M. CLARK FOR FORTY YEARS OF MERITORIOUS SERVICE TO SHELBY COUNTY.

S. J. R. 13. Mourning the death of His Excellency, The Most Reverend Archbishop Thomas J. Toolen.

S. J. R. 14. Commending the Crichton Optimist Club for its work with the youth of Mobile County and the state.

S. J. R. 16. Commending Marcia Kunstel for her "Capitol Hill" coverage and wishing her success in her new journalistic endeavor.

S. J. R. 244. MOURNING THE DEATH OF DR. KENNETH E. JOHNSON.

S. J. R. 245. COMMENDING THE LEE HIGH SCHOOL BAND OF HUNTSVILLE ON BEING THE GOVERNOR'S SELECTION FOR REPRESENTING OUR STATE IN THE PRESIDENTIAL INAUGURATION.

S. J. R. 241. MOURNING THE DEATH OF FORMER SENATOR RICHARD DOMINICK.

S. J. R. 242. CONGRATULATING VAUGHN STEWART ON HIS ELECTION AS PRESIDENT OF THE STUDENT BODY OF THE UNIVERSITY OF ALABAMA.

On motion of Mr. Crowe, the resolutions were adopted en masse.

#### BILLS ON THIRD READING

#### UNANIMOUS CONSENT GRANTED

At the request of Mr. Martin, unanimous consent was granted for the bill, H. 169, to be considered as a Local Bill.

And the bill:

H. 169. To authorize any county or incorporated municipality to issue revenue bonds under the provisions of Subdivision 3 of Article 2

of Chapter 6 of Title 37 of the Code of Alabama of 1940, as amended, for the purpose of refunding the principal of any outstanding general or limited obligation warrants of any such county or incorporated municipality issued (directly or indirectly) for the purpose of financing the acquisition, improvement, enlargement, extension or repair of any water works system, gas system, electric system or sanitary sewer system or that were issued to refund any general or limited obligation warrant or warrants initially issued (directly or indirectly) for any such purpose or purposes, as well as for the combined purpose of refunding the principal of any such general or limited obligation warrants and any other purpose or purposes specified in Section 312 of Title 37 of the Code of Alabama of 1940, as amended.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Coburn, Cross, Dial, Drake, Edwards, Ford, Gafford, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Jolly, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Sandusky, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Warren, Weeks, Whatley and Williams.

—63

#### MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Hilliard, the rules were suspended in order to take up out of order the bill, H. 284.

And the bill:

H. 284. To provide that the Student Union Building complex at Lawson State Community College be named the Leon Kennedy Student Union Building.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Ford, Gafford, Goodwin, Greer, Hall, Harrison, Hill, Hilliard, Hines, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Moore (O), Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—75

#### UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Porter and Harrison added as co-sponsors to the bill, H. 284.

And the bill:

H. 507. To amend Section 4 of Act No. 246, H. 871, 1976 Regular Session (Acts of 1976, p. 281), relating to purging the lists of registered voters in Colbert County and prescribing the procedure for the re-identification of registered voters; so as to increase the compensation paid members of the board of registrars and to make this act retroactive.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Brindley, Buskey, Callahan, Campbell, Cates, Coburn, Cooper, Crawford, Crowe, Drake, Edwards, Falkenburg, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Hines, Holmes (D), Howard, Jackson (F), Johnson, Johnstone, Jolly, Killian, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—68

And the bill:

H. 513. Relating to Escambia County, Alabama allowing the municipal governing bodies of the City of Brewton located in such County to determine the closing hours for places selling alcoholic beverages within its city limits and police jurisdiction.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 65; Nays 1.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Brindley, Buskey, Callahan, Campbell, Cates, Clark, Coburn, Cooper, Crawford, Cross, Edwards, Falkenburg, Ford, Gafford, Goodwin, Greer, Hall, Higginbotham, Hilliard, Hines, Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Owens, Pegues, Plaster, Quarles, Reed, Rich, Robertson, Sandusky, Sasser, Smith (B), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Turnham, Venable, Weeks, Whatley, White, Williams and Wyatt.

—65

Nay: Mr. Drake.

—1

And the bill:

H. 593. Relating to counties having a population of not less than 38,100 and not more than 40,500 according to the 1970 or any subsequent federal decennial census; providing for the payment of an expense allowance for the members of the county board of education of said counties.

Was taken up.

#### H. 593 POSTPONED

On motion of Mr. Starkey, the bill, H. 593, was postponed to the eighth legislative day.

And the bill:

H. 7. To amend the Title and Section 1 of Act No. 1006, H. 111, 1973 Regular Session (Acts of 1973, p. 1541), entitled, "An Act Relating to counties having a population in excess of 600,000 inhabitants; providing that automotive parts businesses, antique dealers, flea markets, gift shops, and shops operated at hospitals, public parks, public airports, public auditoriums and civic centers or bowling alleys in such counties may operate on Sunday," so as to provide that organized trade shows in which no retail sales to the public are permitted and which shows are sponsored by the area chamber of commerce, may operate on Sunday.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 68; Nays 1.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Buskey, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Crawford, Cross, Crowe, Edwards, Falkenburg, Gafford, Goodwin, Greer, Harrison, Higginbotham, Hilliard, Hines, Holmes (A), Hopping, Howard, Jackson (F), Johnstone, Jolly, Killian, Kinsey, Leonard, Lewis, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—68

*Nay:* Mr. Hall.

—1

And the bill:

H. 189. Relating to Jefferson County; to authorize the Jefferson County governing body and municipal governing bodies within Jefferson County to regulate the use of explosives for surface mining activities within their respective police jurisdictions.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 78; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Ford, Gafford, Goodwin, Greer, Hall, Harrison, Higginbotham, Hill, Hilliard, Hines, Holmes (A), Hopping, Howard, Jackson (F), Johnstone, Jolly, Killian, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Porter, Reed, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—78

And the bill:

H. 193. To amend the Title and Sections 2 and 13 of Act No. 79, H. 99, 1966 Special Session (Acts of 1966, p. 106), as amended, entitled "An Act To provide in Jefferson County, Alabama, for the creation and maintenance of districts for fighting or preventing fires, districts for the

collection and disposal of garbage and districts for both of the aforesaid purposes; to provide that any such district may be created for any area upon the conditions and in the manner provided for in the act; to provide that upon the petition of at least 100 qualified electors residing within any proposed district the probate judge shall call an election at which there shall be submitted to the qualified electors residing within the proposed district the question of whether the proposed district shall be created; to provide what the petition for such election shall contain; to provide for the time and the conduct of such election; to provide that the county shall pay the expense of conducting such election; to provide that if the district is created the district shall reimburse the county for the expenses incurred by the county in respect to the election; to provide that after a district has been established the district shall pay the expenses of any election held in the district or held in any area which it is proposed be added to the district; to provide that no district shall be created unless the creation thereof has been approved by the majority of votes cast at the election; to provide that if the creation of the proposed district is approved by the majority of votes cast at the election, the proposed district shall be created and shall constitute a public corporation; to provide that a district may be enlarged by the inclusion of additional area therein, provided the inclusion of such area in the district is approved by the majority of votes cast by the qualified electors residing within the proposed additional area; to provide for the time and conduct of such election; to provide that the affairs and business of the district shall be managed by a board of trustees consisting of five members appointed by the governing body of the county; to provide for the terms of office of the members of the board; to provide that the board of trustees shall elect from its own number a president and a secretary; to provide that the members of the board of trustees shall not be entitled to any compensation for their services but shall be entitled to reimbursement for all expenses incurred by them in the performance of their duties; to define the rights, powers and authority of the districts; to authorize any such district to pledge all or any part of its revenues, or to mortgage or otherwise encumber all or any part of its property for the purpose of securing the payment of the principal of and interest on any of its obligations; to authorize any such district to levy and collect service charges as provided for in the act and, subject to the limitations prescribed in the act, to provide that no such service charge shall be levied unless the same is first approved by a majority of the votes cast at an election held by the qualified electors residing within the district; to provide for the dissolution of any such district; to provide that the provisions of the act are severable; to repeal all laws, or parts of laws, in conflict with the act; and to provide when the act shall take effect," so as to provide for including medical rescue systems and services in fire fighting or prevention districts and to provide that any service charge to pay for such services or any increase thereof shall not be effective unless adequate prior public notice thereof has been given, and if an election thereon has been petitioned for by the electors of the district, such proposed charges must be approved by a majority of the qualified voters voting in an election held in a district.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Ford, Gafford,

Goodwin, Greer, Hall, Harrison, Higginbotham, Hill, Hilliard, Hines, Holmes (A), Hopping, Howard, Jackson (F), Johnstone, Jolly, Killian, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Porter, Reed, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—78

And the bill:

H. 194. To amend further Constitutional Amendment 239, proposed by Act No. 132, H. 178, 1964 First Special Session (Acts of 1964, p. 187), as amended by Amendment 314 of the Constitution of Alabama of 1901, proposed by Act No. 506, H. 1406 of the 1971 Regular Session (Acts of 1971, p. 1230), so as to provide for the formation of districts in Jefferson County to provide fire fighting and prevention and medical rescue systems and services, and garbage collection and disposal systems and services; and to permit the legislature to authorize such districts to establish and collect charges for such systems and services, provided, however, such charges or any increase thereof shall not be effective unless adequate prior public notice thereof has been given and, if an election on the proposed charges have been petitioned for by the electors of the district, the same are first approved by a majority of the votes cast in an election held by the qualified electors residing within the district.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Ford, Gafford, Goodwin, Greer, Hall, Harrison, Higginbotham, Hill, Hilliard, Hines, Holmes (A), Hopping, Howard, Jackson (F), Johnstone, Jolly, Killian, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Porter, Reed, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—78

And the bill:

H. 201. Relating to Jefferson County; to authorize the county governing body and governing bodies of municipalities within the county to regulate surface mining activities within their respective police jurisdictions.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Ford, Gafford, Goodwin, Greer, Hall, Harrison, Higginbotham, Hill, Hilliard, Hines,



REGULAR SESSION  
6th Day

331

Holmes (A), Hopping, Howard, Jackson (F), Johnstone, Jolly, Killian, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNeas, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Porter, Reed, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—78

And the bill:

H. 202. (With Amendments): To authorize the Jefferson County governing body to levy and collect, in addition to all other taxes heretofore imposed by law, a county excise and privilege tax on every person severing coal within the county; to provide that the proceeds collected therefrom be deposited in the county treasury; to authorize the county governing body to use such proceeds to repair county roads and certain municipal streets and avenues; to prohibit the expenditure of such funds for bonded indebtedness or road equipment of any nature; to authorize the county governing body to inspect the books of each person severing coal and to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this act; and to prescribe penalties for the violations of the provisions of this act.

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend H. B. 202 by renumbering Section 8 to read as Section 9.

And the amendment was adopted.

Yeas 15; Nays 2.

Yeas:

Messrs.: Armstrong, Boles, Brindley, Falkenburg, Hall, Hilliard, Hopping, Howard, Jolly, Leonard, McNair, Porter, Trammell, Tucker and White.

—15

Nays: Messrs.: Biddle and Moore (O).

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 202 TEMPORARILY POSTPONED

The bill, H. 202 as amended, was temporarily postponed, being a contested bill.

And the bill:

H. 147. To authorize and direct the Cullman County Commission to levy and provide for the collection of an additional tax on motor fuels, and to provide for distribution and use of the proceeds from the tax.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 35; Nays 2.

Yeas:

Mr. Speaker, Armstrong, Biddle, Boles, Campbell, Crawford, Cross, Drake, Falkenburg, Goodwin, Greer, Hall, Hill, Hilliard, Jackson (F), Jackson (R), Killian, Leonard, Lockett, McCulley, Martin, Merrill, Mitchem, Moore (O), Naramore, Porter, Roberts, Sandusky, Smith (B), Sonnier, Trammell, Waggoner, Warren, White and Williams.

—35

Nays: Messrs.: Crowe and Sparks.

—2

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 406. (With Amendment): To permit banks now or hereinafter situated in, or having a branch in, Etowah County to establish, maintain and operate branch banks and branch offices within the limits of said county for the conduct of a general banking and trust business; and to repeal conflicting laws.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 406 by striking out Section 2 in its entirety and substitute in lieu thereof the following: Section 2. The provisions of the Code of Alabama 1940, Title 5, Section 125, which conflict with this Act are specifically repealed as to the county in which this Act applies and all other laws, general, or local, in conflict herewith are also repealed as to such county; and Act No. 335, H. 1036, Regular Session 1976 (Acts 1976, p. 365), is hereby expressly repealed.

Amend H. B. 406 Section 4 beginning on line 28 and going through line 29 by striking the following words: "immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law." and insert in lieu thereof the following: "One year from the date the Governor signs this act or one year from the date it otherwise becomes law."

And the amendment was adopted.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Crawford, Drake, Falkenburg, Ford, Gafford, Goodwin, Greer, Hall, Higginbotham, Hilliard, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Jolly, Killian, Leonard, Lewis, Lockett, McCulley, Martin, Merrill, Moore (O), Naramore, Owens, Pegues, Plaster, Rich, Sandusky, Shelton, Smith (B), Sonnier, Sparks, Taylor, Trammell, Venable, Whatley, White, Williams and Wyatt.

—52

REGULAR SESSION  
6th Day

333

And the bill, H. 406 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Crawford, Cross, Drake, Falkenburg, Gafford, Greer, Hall, Higginbotham, Hilliard, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Killian, Leonard, Lewis, Lockett, McCulley, McNees, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Roberts, Sandusky, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—52

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Rich added as co-sponsor to the bill, H. 406.

And the bill:

H. 555. To prohibit the sale, the offering for sale or the use of steel leg-hold traps designed for capturing wild animals in any county having a population of not less than 50,000 nor more than 52,000 inhabitants according to the 1970 or any subsequent federal decennial census; and to prescribe penalties for violations.

Was taken up.

H. 555 POSTPONED

On motion of Mr. Drake, the bill, H. 555, was postponed to the seventh legislative day.

And the bill:

H. 556. To prohibit the killing of any fox except in the course of hunting on horseback or if the animal is caught committing or attempting to commit depredation to livestock or poultry or is a menace to the health and safety of a human being, in any county having a population of not less than 50,000 nor more than 52,500 inhabitants according to the 1970 or any subsequent federal decennial census.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 1.

*Yeas:*

Mr. Speaker, Albright, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Crawford, Crowe, Drake, Falkenburg, Gafford, Goodwin, Greer, Higginbotham, Hilliard, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Killian, Lewis, Lockett, Lutz, McCulley, McNees, Merrill, Mitchem, Moore (O), Owens, Pegues, Sandusky, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, White, Williams and Wyatt.

—54

*Nay:* Mr. Whatley.

—1

And the bill:

H. 533. Relating to the First Judicial Circuit; to further regulate the compensation of the court reporters for said circuit.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 48; Nays 1.

Yeas:

Messrs.: Albright, Baker, Biddle, Brindley, Buskey, Callahan, Campbell, Cates, Crawford, Cross, Crowe, Drake, Falkenburg, Gafford, Goodwin, Greer, Hilliard, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Killian, Kinsey, Lewis, Lockett, Lutz, McMillan, McNeese, Martin, Merrill, Moore (O), Owens, Pegues, Sandusky, Shelton, Smith (B), Sonnier, Sparks, Trammell, Venable, Warren, Whatley, White, Williams and Wyatt.

—48

Nay: Mr. McCulley.

—1

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### RESOLUTIONS

The following resolutions were introduced:

By Messrs. McCulley and Sonnier:

H. J. R. 80. CONGRATULATING AND COMMENDING MCINTOSH ACADEMY FOR REACHING THE FINALS OF THE STATE CHAMPIONSHIP FOR PRIVATE SCHOOLS.

WHEREAS, The McIntosh Academy football team enjoyed a commendable 1976 season, reaching the finals of the State Championship for private schools, losing regrettably to Patrician Academy whom they beat 3-0 in regular season play; and

WHEREAS, the spirit of this most ably coached team under the leadership of Coach Wayne Blackwell reflects the loyal support of their fellow students, faculty, parents and other fine citizens of their community; and

WHEREAS, all members of the team worked together as one with diligent and dedicated practice, to achieve this goal; now therefor

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily congratulate and commend McIntosh Academy for their state championship participation.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the principal and to the coach of McIntosh Academy.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 80, on the Clerk's desk for one legislative day.

Also:

By Mr. McCulley:

**H. J. R. 81. COMMENDING MCINTOSH UNION HIGH SCHOOL FOR THEIR COMPETITION IN THE STATE CLASS 2A PLAY OFFS.**

WHEREAS, the McIntosh Union High School football team enjoyed a 1976 season so outstanding as to entitle them to participate in the State Championship Class 2A Play Offs; and

WHEREAS, this precision team, under the fine leadership of Coach Howard Daugherty, was enthusiastically cheered to their regular season record of 9 wins, 2 losses, by their fellow students, faculty members, families and other fans; and

WHEREAS, every game was played in the spirit and tradition of good sportsmanship and fair play, reflecting also many hours of hard work and dedication to the sport of football; now therefor

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we applaud the achievements of the McIntosh Union High School football team and commend them for their outstanding record.

**BE IT FURTHER RESOLVED,** That copies of this resolution be sent to the principal of McIntosh Union and to Coach Howard Daugherty.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 81, on the Clerk's desk for one legislative day.

Also:

By Mr. Manley:

**H. R. 82. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES** That when the House adjourns today it will adjourn to meet again on Wednesday, February 23, 1977, at 2:00 p. m.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 82, was adopted.

Also:

By Messrs. Gafford, Armstrong, Waggoner, White, Moore (O), Falkenburg, Hilliard, Jackson (R) and Hopping:

**H. J. R. 83. CONDEMNING TELEVISION REPORTER STEVE PETROU OF WBRC-TV FOR CARELESS, RECKLESS AND IRRESPONSIBLE REPORTING CONCERNING REPRESENTATIVE JACK BIDDLE.**

WHEREAS, one of our colleagues, Representative Jack Biddle, has suffered a great injustice from a malicious, reckless, careless and irresponsible report broadcast on television station WBRC-TV by commentator Steve Petrou; and

WHEREAS, the content of this report was greatly distorted to the point of implying wrongdoings on the part of Representative Biddle; and

WHEREAS, in fact, the truth of the matter is that the transaction in question was not wrongful or illegal in the least; and

WHEREAS, Mr. Melvin Cooper, the executive secretary to the Alabama Ethics Commission has stated that Representative Biddle not only complied with all requirements of the Ethics Commission in the matter concerned and that the Ethics Commission can find no wrongdoing whatsoever; and

WHEREAS, the news media is granted special privileges in a democracy and granted great immunity from being answerable in a court of law about statements concerning public officials; and

WHEREAS, the news media might very well look to the policing of the ethics of their own profession in instances such as the one concerning Representative Biddle in order that they might forever preserve the right of a free press and the immunity they now receive; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most strenuously condemn television station WBRC-TV and commentator Steve Petrou for the malicious, careless, reckless and irresponsible reporting in regard to Representative Jack Biddle.

BE IT FURTHER RESOLVED, That this legislature does hereby express its utmost confidence in the honesty and integrity of our colleague, Representative Jack Biddle, and do direct that he be presented with a copy of this resolution as a token of our high esteem and regard.

On motion of Mr. Gafford, the rules were suspended and the resolution, H. J. R. 83, was adopted.

Also:

By Messrs. Gafford and Robertson:

H. J. R. 84. DESIGNATING THAT PORTION OF INTERSTATE 59 WITHIN THE CITY OF TUSCALOOSA, ALABAMA, "THE LURLEEN BURNS WALLACE EXPRESSWAY" AND DIRECTING THE ALABAMA HIGHWAY DEPARTMENT TO SEEK THE APPROVAL OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION FOR THE ERECTION OF APPROPRIATE MARKERS THEREFOR.

WHEREAS, one of this state's most respected, admired and outstanding citizens was our beloved former governor, Lurleen Burns Wallace; and

WHEREAS, Mrs. Lurleen Wallace was one of less than five women in the history of the United States to ascend to the office of governor in her own right and political experts agree she would have been re-elected overwhelmingly to the office of governor had she not been snatched so untimely from our midst by the ravages of cancer; and

WHEREAS, this gallant lady's long, courageous battle against the insidious disease of cancer motivated the citizens of this state and nation to establish research centers and otherwise to battle this dreadful malady which has cost the lives of so many; and

WHEREAS, her meteoric rise from housewife to the Governorship of Alabama truly exemplifies the cherished American principle upon which our great nation was founded, that no goal is beyond the realization of any private citizen of this land who has the courage, the will and the perseverance to achieve; and

WHEREAS, Mrs. Lurleen Wallace won not only the respect, love and admiration of all Alabamians because she was a symbol of all the

finest and most desirable attributes of humanity, but she earned world recognition by being honored as the Sixth Most Admired Woman of the World; and

WHEREAS, Mrs. Lurleen Wallace demonstrated to an uncommon degree her administrative acumen and perceptive vision, particularly in her programs for mental health and highway expansion; and

WHEREAS, the Alabama Highway Department enjoyed one of its most expansive periods in Alabama history under the leadership of "Governor Lurleen"; and

WHEREAS, Mrs. Lurleen Wallace was born and reared in Tuscaloosa County, Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body does hereby designate that portion of Interstate 59 within the city limits of Tuscaloosa, Alabama, "The Lurleen Burns Wallace Expressway."

BE IT FURTHER RESOLVED, That the Alabama Highway Department is hereby directed to seek approval from the Federal Bureau of Roads and the United States Department of Transportation to erect and maintain appropriate signs and markers along that portion of Interstate 59 which runs within the city limits of Tuscaloosa, Alabama, and further, to erect such signs and markers upon obtaining approval therefor.

RESOLVED FURTHER, That copies of this resolution be sent to the Highway Director, the Office of the Federal Bureau of Roads and to the United States Department of Transportation.

#### RESOLUTION TEMPORARILY POSTPONED

On motion of Mr. Gafford, the resolution, H. J. R. 84, was temporarily postponed.

Also:

By Messrs. Robertson, Howard, Owens, Johnson, Clark and Lee:

H. J. R. 85. MOURNING THE DEATH OF THE REVEREND OSBORNE SAMUEL HARVEY.

WHEREAS, the Legislature of Alabama has noted with deep regret the death of Osborne Samuel Harvey on February 8, 1977; and

WHEREAS, The Reverend Harvey was both a resident of Northport, Alabama, and pastor of the First Baptist Church of Northport and had served also as pastor of Bethel Baptist Church in Tuscaloosa, and at churches in Epps and Gainesville, Alabama, for a total of more than forty-one years in the ministry; and

WHEREAS, his religious endeavors extended further to serving as president of the New Antioch Bethlehem District Sunday School and B. T. U. Congress, president of the Northport District State Convention, and as vice-president of the Alabama State Missionary Baptist Convention; and

WHEREAS, the Reverend Harvey also was one of the charter trustees of Selma University and a member of the board of trustees of the N. A. B. D. Religious Center; and

WHEREAS, through his concern and dedicated efforts he played an instrumental role in the construction of the West Alabama General Hospital in Northport, Alabama; and

WHEREAS, Osborne Samuel Harvey was a sincere, dedicated Christian man who spent his life in the service of his Lord, while exhibiting always those admirable attributes of devotion to duty and concern for his fellowmen, and gaining the love and respect of his family and all whose lives were touched by him; and

WHEREAS, he is survived by his wife, Mrs. Alice Henderson Harvey; his daughter, Mrs. Lula Belle Freeman; his sister, Mrs. Matilda Williams; his brother, Luther Harvey; and five grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do deeply mourn the death of the Reverend Osborne Samuel Harvey and extend our most heartfelt sympathies to his wife and family.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Harvey, and one to be placed in the archives of the First Baptist Church of Northport which he served so long and faithfully.

On motion of Mr. Robertson, the rules were suspended and the resolution, H. J. R. 85, was adopted.

#### MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Dial, the rules were suspended in order to take up out of order the bills, H. 41 and H. 42.

Yeas 59; Nays 7.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Ford, Gafford, Glass, Greer, Higginbotham, Hill, Hines, Holmes (A), Holmes (D), Jackson (F), Jackson (R), Killian, Kinsey, Lee, Lewis, Lutz, McCluskey, McCulley, McNees, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Plaster, Porter, Reed, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Starkey, Venable, Weeks, Whately, White, Williams and Wyatt.

—59

Nays:

Messrs.: Barron, Hall, Harrison, Hilliard, Holley, Leonard and McNair.

—7

And the bill:

H. 41. To grant to counties and municipalities acting separately or jointly the power to acquire and develop industrial or commercial parks, to sell or lease all or part of said parks to private enterprises or other public entities, and to finance such acquisition and development by the issuance of general obligation warrants and refunding warrants of the participating governmental units, to authorize the pledging of taxes in payment thereof, to exempt actions hereunder from other laws of the state, including those respecting financial control, and to declare the provisions hereof severable.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial,



Drake, Edwards, Ford, Gafford, Glass, Goodwin, Greer, Harrison, Higginbotham, Hill, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Porter, Quarles, Reed, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—73

And the bill:

H. 42. To authorize the incorporation with respect to the several counties in this state, of nonprofit public corporations for the purpose of acquiring, enlarging, improving, replacing, expanding, owning, leasing and disposing of properties for the purpose of promoting industry, developing trade, and furthering the use of agricultural, natural and human resources; to provide for the issuance by any such corporation of interest bearing revenue bonds and other interest bearing revenue securities payable solely out of the revenues and receipts from any such properties; to authorize the refunding of any such bonds or securities; to exempt from all taxation in this state each such corporation, its property, corporate activities, income, revenues, securities, the income from its bonds or securities, and conveyances, leases and mortgages to which such corporation is a party; to exempt such corporations from the laws of the state governing usury or prescribing interest rates; to exempt such corporations and all contracts made by it from the laws which provide for competitive bids in connection with certain contracts; to authorize certain conveyances to any such corporation by certain other public corporations and the assumption of the indebtedness thereof.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Ford, Gafford, Glass, Goodwin, Greer, Harrison, Hill, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Plaster, Porter, Quarles, Reed, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—73

#### RESOLUTION AGAIN TAKEN UP

The resolution, H. J. R. 84, which was previously temporarily postponed, was again taken up.

#### AMENDMENT OFFERED

Mr. Johnson offered the following amendment to the resolution, H. J. R. 84:

Amend H. J. R. 84 by adding the following Section and renumbering accordingly:

That portion of Interstate 59 that lies in Jefferson County shall be named the "George Wallace Expressway".

## AMENDMENT TABLED

On motion of Mr. Gafford, the amendment offered by Mr. Johnson to the resolution, H. J. R. 84, was tabled.

Yeas 30; Nays 15.

## Yeas:

Mr. Speaker, Armstrong, Biddle, Clark, Crawford, Crowe, Gafford, Glass, Hall, Hopping, Jackson (F), Killian, Lutz, McCluskey, McMillan, Manley, Merrill, Moore (O), Morris, Owens, Porter, Quarles, Robertson, Sasser, Shelton, Smith (M), Tucker, Waggoner, Weeks and White.

—30

## Nays:

Messrs. Albright, Barron, Boles, Campbell, Harrison, Holley, Howard, Jackson (R), Johnson, Lee, Leonard, Lockett, Plaster, Whatley and Wyatt.

—15

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

## RESOLUTION TEMPORARILY POSTPONED

On motion of Mr. Gafford, the resolution, H. J. R. 84, was temporarily postponed.

## MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Robertson, the rules were suspended in order to bring up a resolution out of order.

## RESOLUTION

The following resolution was introduced:

By Messrs. Owens and Robertson:

H. J. R. 86. DESIGNATING THAT PORTION OF INTERSTATE 59 WITHIN THE CITY OF TUSCALOOSA, ALABAMA, "THE LURLEEN BURNS WALLACE EXPRESSWAY" AND DIRECTING THE ALABAMA HIGHWAY DEPARTMENT TO SEEK THE APPROVAL OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION FOR THE ERECTION OF APPROPRIATE MARKERS THEREFOR.

WHEREAS, one of this state's most respected, admired and outstanding citizens was our beloved former governor, Lurleen Burns Wallace; and

WHEREAS, Mrs. Lurleen Wallace was one of less than five women in the history of the United States to ascend to the office of governor in her own right and political experts agree she would have been re-elected overwhelmingly to the office of governor had she not been snatched so untimely from our midst by the ravages of cancer; and

WHEREAS, this gallant lady's long, courageous battle against the insidious disease of cancer motivated the citizens of this state and nation to establish research centers and otherwise to battle this dreadful malady which has cost the lives of so many; and

WHEREAS, her meteoric rise from housewife to the Governorship of Alabama truly exemplifies the cherished American principle upon which our great nation was founded, that no goal is beyond the realization of any private citizen of this land who has the courage, the will and the perseverance to achieve; and

WHEREAS, Mrs. Lurleen Wallace won not only the respect, love and admiration of all Alabamians because she was a symbol of all the finest and most desirable attributes of humanity, but she earned world recognition by being honored as the Sixth Most Admired Woman of the World; and

WHEREAS, Mrs. Lurleen Wallace demonstrated to an uncommon degree her administrative acumen and perceptive vision, particularly in her programs for mental health and highway expansion; and

WHEREAS, the Alabama Highway Department enjoyed one of its most expansive periods in Alabama history under the leadership of "Governor Lurleen"; and

WHEREAS, Mrs. Lurleen Wallace was born and reared in Tuscaloosa County, Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body does hereby designate that portion of Interstate 59 within the city limits of Tuscaloosa, Alabama, "The Lurleen Burns Wallace Expressway."

BE IT FURTHER RESOLVED, That the Alabama Highway Department is hereby directed to seek approval from the Federal Bureau of Roads and the United States Department of Transportation to erect and maintain appropriate signs and markers along that portion of Interstate 59 which runs within the city limits of Tuscaloosa, Alabama, and further, to erect such signs and markers upon obtaining approval therefor.

RESOLVED FURTHER, That copies of this resolution be sent to the Highway Director, the Office of the Federal Bureau of Roads and to the United States Department of Transportation.

#### AMENDMENT OFFERED

Mr. Johnson offered the following amendment to the resolution, H. J. R. 86:

To rename the Civic Center in Jefferson County the Bryant-Jordan-Wallace Civic Center.

#### AMENDMENT TABLED

On motion of Mr. Robertson, the amendment offered by Mr. Johnson to the resolution, H. J. R. 86, was tabled.

Yeas 28; Nays 5.

Yeas:

Mr. Speaker, Armstrong, Biddle, Brindley, Crawford, Crowe, Falkenburg, Ford, Gafford, Glass, Hall, Hopping, Jackson (F), Killian, McCluskey, McMillan, McNees, Manley, Merrill, Moore (O), Owens, Porter, Robertson, Sasser, Tucker, Waggoner, Weeks and White.

—28

Nays: Messrs.: Barron, Greer, Howard, Lee and Lockett.

—5

### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

### MOTION TO RECESS LOST

The motion offered by Mr. McCulley that the House recess until 1:30 o'clock p. m., was lost.

### MOTION TO POSTPONE TABLED

On motion of Mr. Robertson, the motion offered by Mr. Johnson to postpone further consideration of the resolution, H. J. R. 86, to the seventh legislative day, was tabled.

Yeas 23; Nays 17.

Yeas:

Mr. Speaker, Baker, Biddle, Carter, Crawford, Crowe, Gafford, Glass, Jackson (F), McCulley, McMillan, Manley, Merrill, Moore (O), Morris, Owens, Rich, Robertson, Shelton, Waggoner, Warren, Weeks and White.

—23

Nays:

Messrs.: Albright, Barron, Buskey, Ford, Greer, Harrison, Hill, Holley, Howard, Johnson, Lee, Lewis, Lockett, McNees, Quarles, Smith (B) and Wyatt.

—17

### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

### RESOLUTION POSTPONED

On motion of Mr. Robertson, further consideration of the resolution, H. J. R. 86, was postponed to the seventh legislative day.

### H. 202 RESUMED

And the bill, H. 202 as amended and temporarily postponed being a contested bill, was again taken up.

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend H. B. 202 by inserting the following Section 8:

"Section 8. To provide that the provisions of this Act shall apply to surface or strip mining operations only, and will not apply to deep mine operations."

And the amendment was adopted.

Yeas 14; Nays 2.

Yeas:

Messrs.: Armstrong, Boles, Hall, Harrison, Hopping, Howard, Jackson (R), Johnstone, Jolly, Leonard, Porter, Trammell, Tucker and Waggoner.

—14

Nays: Messrs.: Biddle and Hilliard.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment No. 3 reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend Line 19 in the title by adding after the word "treasury" the following:

"and to provide for the distribution therefrom"

And the amendment was adopted.

Yeas 16; Nays 0.

Yeas:

Messrs.: Armstrong, Biddle, Boles, Hall, Harrison, Hilliard, Hopping, Howard, Jackson (R), Jolly, Leonard, Porter, Trammell, Tucker, Waggoner and White.

—16

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment No. 4 reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend H. B. 202, page 2, in Section 3, on line 14, after the word "treasury" strike the word "and" and insert the following:

"and distributed as follows:

"a) one-half of all such proceeds collected shall be paid into the general fund of each municipality within the county where the mining operations are done within the police jurisdiction of such municipality and (b) the remaining one-half of the proceeds so collected"

And the amendment was adopted.

Yeas 20; Nays 0.

Yeas:

Messrs.: Armstrong, Biddle, Boles, Falkenburg, Gafford, Hall, Harrison, Hilliard, Hopping, Howard, Jackson (R), Jolly, Leonard, McNair, Moore (O), Porter, Trammell, Tucker, Waggoner and White.

—20

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment No. 5 reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend H. B. 202, on page 2, in Section 3, by deleting on line 27 the words "All monies received" and delete in their entirety lines 28 through 33.

And the amendment was adopted.

Yeas 17; Nays 0.

Yeas:

Messrs.: Armstrong, Boles, Falkenburg, Hall, Harrison, Hopping, Howard, Jackson (R), Jolly, Leonard, Moore (O), Porter, Sonnier, Trammell, Tucker, Waggoner and White.

—17

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 202. To authorize the Jefferson County governing body to levy and collect, in addition to all other taxes heretofore imposed by law, a county excise and privilege tax on every person severing coal within the county; to provide that the proceeds collected therefrom be deposited in the county treasury and to provide for the distribution therefrom; to authorize the county governing body to use such proceeds to repair county roads and certain municipal streets and avenues; to prohibit the expenditure of such funds for bonded indebtedness or road equipment of any nature; to authorize the county governing body to inspect the books of each person severing coal and to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this act; and to prescribe penalties for the violations of the provisions of this act.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 15; Nays 4.

Yeas:

Messrs.: Biddle, Boles, Falkenburg, Hall, Harrison, Hopping, Howard, Jackson (R), Jolly, Leonard, McNair, Porter, Trammell, Tucker and White.

—15

Nays: Messrs.: Armstrong, Gafford, Moore (O) and Waggoner.

—4

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### UNFINISHED BUSINESS

The House then proceeded with the consideration of the Unfinished Business.

And the bill:

H. 383. To provide that any person convicted of a felony involving bodily harm to another shall serve the sentence imposed without parole; and to repeal conflicting statutes.

As amended on the fifth legislative day, was taken up.

SUBSTITUTE OFFERED

Mr. Higginbotham offered the following substitute to the bill, H. 383 as amended:

A BILL  
TO BE ENTITLED  
AN ACT

To provide that any person convicted of any act, or attempt to commit the act, of murder, rape, robbery, or assault with a deadly weapon directly and proximately resulting in serious bodily harm to another shall serve the sentence imposed without parole; and to repeal conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person convicted of any act, or attempt to commit the act, of murder, rape, robbery, or assault with a deadly weapon, the commission of which directly and proximately resulted in serious bodily harm to another, shall upon conviction serve such sentence as may be imposed without benefit of parole, notwithstanding any law to the contrary.

Section 2. This Act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 77; Nays 2.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Boles, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harrison, Hill, Hines, Holley, Holmes (A), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Killian, Kinsey, Leonard, Lewis, Lutz, McMillan, McNair, McNeas, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Waggoner, Warren, White, Williams and Wyatt.

—77

Nays: Messrs.: Hilliard and Morris.

—2

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Holmes (A) as co-sponsor to the bill, H. 77.

## AMENDMENT OFFERED

Mr. Lutz offered the following amendment to the bill, H. 383 as amended:

Amend H. B. 383, Section 1, by inserting on line 25, immediately after the coma following the word "another" and immediately before the word "shall" the following: "and the commission of which followed such defendant's conviction of another felony or attempt thereof resulting in bodily harm to another".

## AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 86; Nays 2.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Gregg, Hall, Harrison, Higginbotham, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Owens, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

—86

Nays: Messrs.: Hilliard and Morris.

—2

And the bill:

H. 383. To provide that any person convicted of any act, or attempt to commit the act, of murder, rape, robbery, or assault with a deadly weapon directly and proximately resulting in serious bodily harm to another shall serve the sentence imposed without parole; and to repeal conflicting statutes.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 3.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Porter, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—90

Nays: Messrs.: Harrison, Hilliard and Smith (J).

—3



UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Andrews, Brindley, Campbell, Carothers, Coburn, Cooper, Cross, Falkenburg, Ford, Greer, Gregg, Hall, Hill, Hines, Holmes (D), Hopping, Jackson (F), Jackson (R), Johnstone, Killian, McCulley, Mitchem, Naramore, Rich, Riddick, Smith (C), Smith (M), Starkey, Tucker, Venable, Warren, White, Williams and Wyatt added as co-sponsors to the bill, H. 383.

And the bill:

H. 329. To amend Title 14, Section 49, Code of Alabama 1940, as amended, to increase the punishment for conviction of the crime of blackmail from a misdemeanor to a felony, and providing punishment of from one to ten years imprisonment.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 1.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harrison, Higginbotham, Hill, Hines, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Killian, Kinsey, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—86

Nay: Mr. Jackson (R).

—1

And the bill:

H. 330. Proscribing the possession of specified contraband within the confines of correctional institutions, and providing for a further prohibition by institutional officials.

Was taken up.

AMENDMENT OFFERED

Mr. Morris offered the following amendment to the bill, H. 330:

Amend H. B. 330 by deleting Section 3 and Section 4 of said bill.

AMENDMENT TABLED

On motion of Mr. Crowe, the amendment offered by Mr. Morris to the bill, H. 330, was tabled.

Yeas 51; Nays 30.

Yeas:

Mr. Speaker, Baker, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hines, Holmes (D), Hopping, Howard, Johnson, Kinsey, McCluskey, McCulley, McMillan, Mc-

Nees, Manley, Moore (O), Owens, Pegues, Plaster, Porter, Rich, Robertson, Sandusky, Smith (C), Smith (M), Sonnier, Starkey, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—51

*Nays:*

Messrs.: Albright, Andrews, Armstrong, Buskey, Cates, Clark, Cooper, Falkenburg, Ford, Harrison, Hilliard, Holley, Jackson (R), Johnstone, Jolly, Killian, Lee, Leonard, Lockett, Lutz, McNair, Martin, Morris, Quarles, Roberts, Sasser, Shelton, Smith (B), Smith (J) and Taylor.

—30

And the bill, H. 330, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 6.

*Yeas:*

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hines, Holmes (D), Hopping, Howard, Johnson, Johnstone, Jolly, Killian, Kinsey, Lee, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—82

*Nays:*

Messrs.: Armstrong, Harrison, Hilliard, Holley, Jackson (R), Leonard, Morris and Smith (J).

—8

And the bill:

H. 380. To provide that opinion and reputation evidence and evidence of specific acts relating to the complaining witness' previous sexual conduct shall be inadmissible by the defendant in criminal sexual conduct cases, including: rape, sodomy, sexual misconduct, sexual abuse, criminal sexual conduct, or carnal knowledge; to make prohibition against admissibility inapplicable to complaining witness' sexual conduct with defendant; and to provide procedures by which a court may determine relevancy of evidence proposed to be admitted before such evidence is introduced.

Was taken up.

#### AMENDMENT OFFERED

Mr. Johnstone offered the following amendment to the bill, H. 380:

Amend Section 2(a) of H. B. 380 by inserting between line 20 and line 21 on page 2 the following sub-paragraphs:

“(3) Evidence of prior sexual activity by the alleged victim tending to show consent to the alleged act with the defendant.

(4) Evidence of prior sexual conduct by the alleged victim tending to show lesser trauma to the alleged victim resulting from the alleged act by the defendant.”

Amend Section 2(b) of H. B. 380 by deleting from line 22 on page 2 the designation "(1) or (2)," and by inserting in lieu thereof the following: "(1), (2), (3), or (4)."

Further amend Section 2 (b) by adding thereto a new sentence after the period on line 30 on page 2 as follows: "During any such in camera hearing, the defendant may examine the alleged victim with the same latitude as is allowed in cross examination and without loss of the right to question or to impeach the credibility of the alleged victim."

And the amendment was adopted.

Yeas 83; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (R), Johnstone, Jolly, Killian, Kinsey, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Moore (O), Morris, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—83

And the bill, H. 380 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 3.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harrison, Higginbotham, Hill, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Killian, Kinsey, Lee, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—89

*Nays:* Messrs. Hilliard, Smith (J) and Tucker.

—3

#### UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Leonard added as co-sponsor to the bill, H. 380.

And the bill:

H. 327. To define an habitual criminal; providing procedure to determine who is an habitual criminal; providing for the indictment, trial, imprisonment, probation, parole and punishment of habitual criminals; prescribing rules of evidence for the trial of habitual criminals;

prescribing the powers and duties of courts and juries in the trials of habitual criminals; prescribing the procedure and the powers and duties of courts in appeals from convictions and sentences of habitual criminals; and prescribing the form of complaints, charges, and indictment against habitual criminals.

Was taken up.

#### AMENDMENT OFFERED

Mr. Johnstone offered the following amendment to the bill, H. 327:

Amend Section 1(a) of House Bill 327 by striking from lines 19 through 21 on page 1 thereof the language and punctuation saying “, or of an attempt to commit any such crime of violence” and by inserting in lieu thereof the following: “with the second such crime having been committed after the conviction of the first such crime”.

Further amend Section 1(a) of H. B. 327 by striking from lines 22 and 23 on page 1 thereof the language and punctuation saying “, or attempt to commit such crime, or conspiracy to commit such crime,”.

Amend Section 1(b) of H. B. 327 by striking from line 34 the language and punctuation saying “larceny from the person,” and by striking from line 35 on page 1 and line 36 on page 2 the language and punctuation saying: “assault on a peace officer,” and by striking from lines 38 and 39 on page 2 the language and punctuation saying “carnal knowledge,”.

Amend Section 1(c) of H. B. 327 by striking from lines 48 and 49 of said bill the language saying “or any other country or jurisdiction” and by inserting in lieu thereof the following: “the District of Columbia or any other territory or possession of the United States”.

Amend Section 2 of H. B. 327 by striking from lines 60 through 62 on page 2 thereof the language and punctuation saying “or any attempt to commit a crime of violence or conspiracy to commit a crime of violence,” and by inserting in lieu thereof the following: “committed after having become an habitual criminal”.

Amend Section 3 of H. B. 327 by striking from line 75 on page 3 thereof the word “is” and by inserting in lieu thereof the word “was” and by inserting immediately after the word “Act” and immediately before the period the following language: “at the time of committing the offense charged”.

Further amend Section 3 of H. B. 327 by striking from lines 78 through 80 on page 3 thereof the language and punctuation saying “or an attempt to commit a crime of violence or conspiring to commit a crime of violence”.

Amend Section 4 of H. B. 327 by striking from lines 104 and 105 on page 3 thereof the language and punctuation saying “or an attempt to commit a crime of violence or conspiracy to commit a crime of violence,”.

Amend Section 5 of H. B. 327 by inserting on line 127 on page 4 thereof immediately after the word “and” where it appears the second time and immediately before the word “remand” the following language: “and either to render judgment that the defendant was not guilty of being an habitual criminal or to”.

And the amendment was adopted.

REGULAR SESSION  
6th Day

351

Yeas 86; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Killian, Kinsey, Lee, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, Manley, Martin, Merrill, Moore (O), Naramore, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—86

Nay: Mr. Tucker.

—1

And the bill, H. 327 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 3.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Killian, Kinsey, Lee, Leonard, Lockett, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—88

Nays: Messrs.: Harrison, Hilliard and Tucker.

—3

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Greer added as co-sponsor to the bill, H. 327.

MOTION TO POSTPONE BILLS ADOPTED

On motion of Mr. Cooper all bills on the Calendar were postponed in order to take up the bills, H. 364, H. 392, H. 421 and H. 422.

Yeas 67; Nays 12.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Biddle, Buskey, Callahan, Carothers, Clark, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Higginbotham, Hines, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Killian, Kinsey, Lewis, McCulley, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich,

Roberts, Robertson, Sandusky, Shelton, Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—67

*Nays:*

Messrs.: Armstrong, Barron, Brindley, Crawford, Hall, Harrison, Holley, Leonard, Lockett, Lutz, Morris and Tucker.

—12

And the bill:

H. 364. To require trial judges to charge the jury, in prosecutions for crimes for which the jury by law sets the punishment, as to when and how the defendant, if found guilty, might legally be granted parole, and to allow the prosecutor in such cases to argue the legal possibility of parole to the jury.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 35.

*Yeas:*

Mr. Speaker, Albright, Andrews, Baker, Boles, Callahan, Carothers, Carter, Coburn, Cross, Crowe, Edwards, Falkenburg, Greer, Gregg, Hall, Higginbotham, Holmes (A), Holmes (D), Hopping, Jackson (F), Kinsey, Lee, Lewis, Lutz, McCulley, McMillan, McNeese, Manley, Martin, Merrill, Naramore, Owens, Plaster, Roberts, Robertson, Sandusky, Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Warren, Weeks, Whatley, Williams and Wyatt.

—49

*Nays:*

Messrs.: Armstrong, Barron, Brindley Buskey, Campbell, Cates, Clark, Crawford, Dial, Drake, Ford, Goodwin, Harrison, Hill, Hilliard, Hines, Holley, Jackson (R), Johnson, Johnstone, Jolly, Killian, Leonard, Lockett, McCluskey, Mitchem, Morris, Quarles, Rich, Riddick, Smith (B), Smith (J), Taylor, Tucker and Venable.

—35

And the bill:

H. 392. To provide that individuals who are charged and convicted of murder in the first degree, robbery, burglary, and rape and are subsequently sentenced to life imprisonment, shall not be eligible for parole; and to repeal conflicting statutes.

Was taken up.

#### AMENDMENT OFFERED

Mr. Albright offered the following amendment to the bill, H. 392:

On line 23 after the words (first degree,) add the word forceable before the word rape.

#### AMENDMENT TABLED

On motion of Mr. Morris, the amendment offered by Mr. Albright to the bill, H. 392, was tabled.

Yeas 51; Nays 10.

*Yeas:*

Mr. Speaker, Baker, Barron, Carothers, Coburn, Cooper, Crawford, Cross, Dial, Drake, Falkenburg, Gafford, Glass, Goodwin, Hall, Harrison,

6th Day

Higginbotham, Hines, Holley, Holmes (D), Hopping, Jackson (F), Jackson (R), Johnson, Killian, Kinsey, Lee, Leonard, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Morris, Owens, Plaster, Roberts, Robertson, Sasser, Smith (C), Smith (M), Sonnier, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—51

*Nays:*

Messrs.: Albright, Andrews, Hilliard, Holmes (A), Johnstone, McNair, Riddick, Smith (J), Starkey and Tucker.

—10

AMENDMENT OFFERED

Mr. Reed offered the following amendment No. 1 to the bill, H. 392:

Amend H. B. 392 by deleting the word "rape" on line 17 and the word "rape" on line 24.

AMENDMENT TABLED

On motion of Mr. Crowe, the amendment No. 1 offered by Mr. Reed to the bill, H. 392, was tabled.

Yeas 54; Nays 12.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Boles, Callahan, Carothers, Carter, Cates, Crawford, Cross, Dial, Drake, Falkenburg, Gafford, Glass, Goodwin, Higginbotham, Hill, Hines, Holley, Holmes (D), Hopping, Jackson (F), Killian, Kinsey, McCulley, McMillan, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Robertson, Sasser, Smith (C), Sonnier, Starkey, Taylor, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—54

*Nays:*

Messrs.: Albright, Buskey, Hall, Harrison, Hilliard, Jackson (R), Johnstone, Leonard, Lutz, McCluskey, Smith (J) and Turner.

—12

AMENDMENT OFFERED

Mr. Reed offered the following amendment No. 2 to the bill, H. 392:

Amend H. B. 392: "involving crimes of rape only when victim is 18 years of age or under or persons partially or totally disabled."

AMENDMENT TABLED

On motion of Mr. Crowe, the amendment No. 2 offered by Mr. Reed to the bill, H. 392, was tabled.

Yeas 58; Nays 12.

*Yeas:*

Mr. Speaker, Andrews, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Drake, Falkenburg, Gafford, Glass, Greer, Hall, Higginbotham, Hill, Hines, Holmes (D), Hopping, Jackson (F), Killian, Kinsey, Lutz, McCulley, McMillan, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith

(C), Sonnier, Sparks, Starkey, Taylor, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—58

*Nays:*

Messrs.: Buskey, Harrison, Hilliard, Holley, Holmes (A), Jackson (R), Johnstone, Leonard, McCluskey, Martin, Smith (J) and Tucker.

—12

#### AMENDMENT OFFERED

Mr. Morris offered the following amendment to the bill, H. 392:

On line 16 after the period insert the following"

The trial judge shall instruct the jury that in the event of convictions under the provisions of this law, the defendant shall not be eligible for parole.

#### AMENDMENT TABLED

On motion of Mr. Crowe, the amendment offered by Mr. Morris to the bill, H. 392, was tabled.

Yeas 45; Nays 37.

*Yeas:*

Mr. Speaker, Andrews, Baker, Boles, Callahan, Campbell, Carothers, Carter, Coburn, Cooper, Cross, Crowe, Drake, Falkenburg, Gafford, Glass, Hall, Higginbotham, Holmes (D), Hopping, Jackson (F), Jackson (R), Kinsey, McCulley, Manley, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Roberts, Robertson, Sandusky, Smith (C), Sonnier, Sparks, Starkey, Trammell, Warren, Weeks, Whatley, White and Wyatt.

—45

*Nays:*

Messrs.: Albright, Armstrong, Barron, Brindley, Buskey, Cates, Clark, Crawford, Dial, Ford, Gregg, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Johnstone, Killian, Lee, Leonard, Lockett, Lutz, McCluskey, McNair, Martin, Morris, Quarles, Rich, Riddick, Sasser, Smith (B), Smith (J), Taylor, Tucker, Venable and Williams.

—37

#### AMENDMENT OFFERED

Mr. Lutz offered the following amendment to the bill, H. 392:

Amend H. 392 by inserting immediately after the comma on line 25 and immediately before the word "such" the following:

"which crime has been committed after any prior conviction of any felony causing grievous bodily injury to any person other than the defendant,"

#### MOTION TO TABLE LOST

The motion offered by Mr. Crowe to table the amendment to the bill, H. 392, was lost.

Yeas 41; Nays 44.

*Yeas:*

Mr. Speaker, Andrews, Baker, Callahan, Campbell, Carothers, Carter, Coburn, Cross, Crowe, Dial, Falkenburg, Gafford, Glass, Goodwin, Greer,



REGULAR SESSION  
6th Day

355

Higginbotham, Holmes (D), Hopping, Jackson (F), Kinsey, McCulley, Manley, Merrill, Moore (O), Naramore, Owens, Pegues, Plaster, Roberts, Robertson, Sandusky, Smith (C), Sparks, Starkey, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—41

*Nays:*

Messrs.: Albright, Armstrong, Barron, Brindley, Buskey, Cates, Clark, Cooper, Crawford, Edwards, Ford, Gregg, Hall, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Jackson (R), Johnstone, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, Martin, Morris, Porter, Quarles, Rich, Riddick, Sasser, Smith (B), Smith (J), Sonnier, Taylor, Tucker, Venable and Williams.

—44

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Mr. Lutz to the bill, H. 392, and the amendment was adopted.

Yeas 42; Nays 41.

*Yeas:*

Messrs.: Albright, Armstrong, Barron, Brindley, Buskey, Cates, Clark, Crawford, Drake, Ford, Gregg, Hall, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Hopping, Jackson (R), Johnson, Johnstone, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McNair, Martin, Porter, Rich, Riddick, Sasser, Smith (B), Smith (J), Sonnier, Taylor, Tucker, Venable and Waggoner.

—42

*Nays:*

Mr. Speaker, Andrews, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Coburn, Cooper, Cross, Crowe, Dial, Falkenburg, Gafford, Greer, Higginbotham, Holmes (D), Jackson (F), Kinsey, McCulley, McMillan, Manley, Merrill, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Roberts, Robertson, Sandusky, Sparks, Turnham, Warren, Weeks, White and Wyatt.

—41

And the bill, H. 392 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 9.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hines, Holley, Holmes (D), Hopping, Jackson (F), Jackson (R), Johnson, Johnstone, Killian, Kinsey, Lee, Lutz, McCulley, McMillan, McNair, McNeas, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—82

*Nays:*

Messrs.: Harrison, Hilliard, Holmes (A), Leonard, Lewis, Lockett, McCluskey, Smith (J) and Tucker.

—9

## UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Andrews, Campbell, Carothers, Carter, Crawford, Cross, Dial, Glass, Goodwin, Greer, Holmes (D), Hopping, Jackson (F), Johnson, McCulley, Martin, Mitchem, Naramore, Plaster, Roberts, Robertson, Smith (C), Venable, Warren, Williams and Wyatt added as co-sponsors to the bill, H. 392.

And the bill:

H. 421. To prohibit threats against the person or property of another and to provide penalties therefor.

Was taken up.

## SUBSTITUTE OFFERED

Mr. Johnstone offered the following substitute to the bill, H. 421:

A BILL  
TO BE ENTITLED  
AN ACT

To prohibit threats against the person of another and to provide penalties therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person who, with the intent to frighten, harass or intimidate, by means transmits or communicates to another, a threat to kill, maim, kidnap, or otherwise grievously physically harm any person shall upon conviction, be punished, at the discretion of the jury, by a fine of not more than two thousand dollars or imprisonment in the state penitentiary for not more than ten years or in the county jail for not more than one year, and may be both fined and imprisoned as provided herein.

Section 2. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional such declaration shall not affect the part that remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

## SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 74; Nays 6.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Edwards, Falkenburg, Gafford, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hines, Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Killian, Kinsey, Lee, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M),

REGULAR SESSION  
6th Day

357

Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—74

Nays:

Messrs.: Hilliard, Holley, Holmes (A), Jackson (R), McNair and Smith (J).

—6

AMENDMENT OFFERED

Mr. Carothers offered the following amendment to the bill, H. 421 as amended:

Amend the bill, H. 421 as amended, by adding after the word "person" on line 14 the following:

"or a threat to commit arson, or a threat to bomb the home, barn, or business of another"

AMENDMENT ADOPTED

An the amendment was adopted.

Yeas 67; Nays 5.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Gafford, Greer, Higginbotham, Hill, Hines, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Jolly, Killian, Kinsey, Lee, Lutz, McCluskey, McCulley, McMillan, McNees, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (C), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—67

Nays: Messrs.: Hall, Hilliard, Holley, Smith (J) and Tucker.

—5

And the bill:

H. 421. To prohibit threats against the person of another and to provide penalties therefor.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 18.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hines, Holmes (D), Hopping, Johnstone, Killian, Kinsey, McCulley, McNees, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—65

*Nays:*

Messrs.: Buskey, Harrison, Hilliard, Holley, Holmes (A), Jackson (R), Johnson, Lee, Leonard, Lockett, Lutz, McCluskey, McMillan, McNair, Riddick, Smith (B), Tucker and Venable.

—18

And the bill:

H. 422. To provide that the use of a firearm or destructive device to commit any felony, or to unlawfully carry a firearm during the commission of any felony is in violation of State law and unlawful; to prescribe for punishment in addition to the punishment provided for the commission of the felony; to prescribe mandatory sentencing upon a second or subsequent conviction, and to proscribe terms therefor from running concurrently; and to repeal all conflicting statutes.

Was taken up.

#### AMENDMENT OFFERED

Mr. Johnstone offered the following amendment to the bill, H. 422:

Amend Section 5 of H. 422 by inserting immediately after the word "act" and before the comma on line 24, page 2, the following:

"for a crime committed after the conviction for the prior crime,"

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 77; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harrison, Higginbotham, Hill, Hilliard, Hines, Holmes (A), Hopping, Jackson (R), Johnson, Johnstone, Jolly, Killian, Kinsey, Lee, Leonard, Lewis, Lutz, McCulley, McMillan, McNair, McNeas, Martin, Merrill, Moore (O), Naramore, Owens, Pegues, Porter, Rich, Riddick, Roberts, Sandusky, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Venable, Warren, Weeks, White, Williams and Wyatt.

—77

And the bill, H. 422 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 8.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Hall, Higginbotham, Hill, Hines, Holmes (D), Hopping, Jackson (R), Johnson, Johnstone, Jolly, Killian, Kinsey, Lee, Lockett, Lutz, McCulley, McMillan, McNeas, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor,

REGULAR SESSION  
6th Day

359

Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—80

*Nays:*

Messrs.: Harrison, Hilliard, Holmes (A), Leonard, Lewis, McCluskey, McNair and Smith (J).

—8

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Albright, Andrews, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Cross, Dial, Falkenburg, Ford, Glass, Goodwin, Greer, Hill, Hines, Hopping, Jackson (R), Johnson, Johnstone, Jolly, Kinsey, Lee, Lutz, McCulley, McMillan, McNees, Martin, Moore (O), Naramore, Owens, Quarles, Riddick, Roberts, Robertson, Smith (C), Starkey, Waggoner, Warren and Wyatt added as co-sponsors to the bill, H. 422.

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show that Mr. Smith (C) would have voted "Yea" on the bills, H. 364 and H. 392, had he been in the Chamber at the time of voting.

MOTION TO POSTPONE BILLS ADOPTED

On motion of Mr. Gregg, all bills on the Calendar were postponed in order to take up out of order the bill, H. 9.

Yeas 58; Nays 17.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Clark, Crawford, Cross, Crowe, Dial, Drake, Ford, Glass, Greer, Gregg, Hall, Harrison, Hill, Hines, Holley, Holmes (D), Hopping, Jolly, Lee, Leonard, Lutz, McCulley, McMillan, McNees, Martin, Merrill, Plaster, Quarles, Rich, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Venable, Warren, Weeks, Whatley, Williams and Wyatt.

—58

*Nays:*

Messrs.: Brindley, Cates, Hilliard, Holmes (A), Jackson (R), Johnstone, Killian, Kinsey, Lewis, Lockett, McCluskey, Manley, Morris, Naramore, Owens, Porter and Waggoner.

—17

MOTION TO TABLE LOST

The motion offered by Mr. Gregg to table the motion offered by Mr. Manley to postpone the bill, H. 9 and pending substitute to the seventh legislative day, was lost.

Yeas 28; Nays 54.

*Yeas:*

Messrs.: Albright, Andrews, Barron, Carter, Cross, Greer, Gregg, Hall, Harrison, Hill, Hines, Holmes (D), Hopping, Jackson (F), Jolly, Leonard, McCulley, McNair, Martin, Naramore, Quarles, Riddick, Smith (B), Smith (C), Smith (J), Starkey, Taylor and Wyatt.

—28

*Nays:*

Mr. Speaker, Armstrong, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Crowe, Dial, Drake, Edwards, Falkenburg, Ford,

Gafford, Goodwin, Higginbotham, Hilliard, Holley, Holmes (A), Jackson (R), Johnstone, Killian, Kinsey, Lee, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Merrill, Moore (O), Morris, Owens, Pegues, Plaster, Porter, Reed, Sandusky, Sasser, Shelton, Smith (M), Sonnier, Sparks, Trammell, Tucker, Venable, Waggoner, Weeks, White and Williams.

—54

## H. 9 POSTPONED

The question was then on the motion offered by Mr. Manley to postpone the bill, H. 9 with pending substitute, to the seventh legislative day, and the motion was adopted.

## CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:15 A. M. On February 17, 1977

H. J. R. 42  
H. J. R. 43  
H. J. R. 44  
H. J. R. 48  
H. J. R. 49  
H. J. R. 53  
H. J. R. 59  
H. J. R. 61  
H. J. R. 62  
H. J. R. 64  
H. J. R. 66  
H. J. R. 71

JOHN W. PEMBERTON,  
Clerk.

## ADJOURNMENT

On motion of Mr. Starkey, the House adjourned until 2:00 o'clock p. m., Wednesday, February 23, 1977.

Yeas 47; Nays 36.

## Yeas:

Messrs.: Andrews, Baker, Barron, Boles, Brindley, Buskey, Carter, Clark, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Ford, Goodwin, Hopping, Jackson (R), Johnson, Jolly, Killian, Lee, Lewis, Lutz, McCulley, McNees, Manley, Martin, Merrill, Moore (O), Morris, Pegues, Porter, Reed, Roberts, Robertson, Sasser, Smith (J), Smith (M), Sparks, Starkey, Taylor, Tucker, Weeks, White, Williams and Wyatt.

—47

## Nays:

Mr. Speaker, Armstrong, Biddle, Callahan, Campbell, Carothers, Cates, Coburn, Gafford, Greer, Hall, Harrison, Hill, Hilliard, Hines, Holmes (A), Jackson (F), Johnstone, Kinsey, Leonard, Lockett, McCluskey, McMillan, McNair, Naramore, Owens, Plaster, Quarles, Sandusky, Smith (B), Smith (C), Sonnier, Trammell, Venable, Waggoner and Warren.

—36

## SEVENTH DAY

House of Representatives  
Montgomery, Alabama  
Wednesday, February 23, 1977

The House met pursuant to adjournment.

## PRAYER

The session was opened with prayer by the Reverend Billy Sharpston, Pastor, First Free Will Baptist Church, Vernon, Alabama.

## ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams, Wyatt and Shoemaker.

—102

A quorum was present.

## REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the sixth legislative day and finds the same to be correct.

TOM DRAKE,  
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the sixth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the sixth legislative day was approved.

## RESOLUTIONS

The following resolutions were introduced:

By Mr. Manley:

H. R. 87. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when the House adjourns today it will adjourn to meet again on Thursday, February 24, 1977, at 10:00 a.m.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 87, was adopted.

Also:

By Mr. Manley:

H. J. R. 88. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two houses adjourn on Thursday, February 24, they will adjourn to meet again on Tuesday, March 1, and when they adjourn on Tuesday, March 1, they will adjourn to meet again on Thursday, March 3, and when they adjourn on Thursday, March 3, they will adjourn to meet again on Tuesday, March 8, and when they meet on Tuesday, March 8, they will adjourn to meet again on Thursday, March 10, and when they adjourn on Thursday, March 10, they will adjourn to meet again on Tuesday, March 22.

On motion of Mr. Manley, the rules were suspended and the resolution, H. J. R. 88, was adopted.

#### LEAVES OF ABSENCE

At the request of Mr. Sandusky, leave of absence was granted for Mr. Callahan, due to illness in the family.

At the request of Mr. McNees, leave of absence was granted for Mr. Weeks, due to illness.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 13. MOURNING THE DEATH OF HIS EXCELLENCY, THE MOST REVEREND ARCHBISHOP THOMAS J. TOOLEN.

Also:

S. J. R. 14. COMMENDING THE CRICHTON OPTIMIST CLUB FOR ITS WORK WITH THE YOUTH OF MOBILE COUNTY AND THE STATE.

Also:

S. J. R. 16. COMMENDING MARCIA KUNSTEL FOR HER "CAPITOL HILL" COVERAGE AND WISHING HER SUCCESS IN HER NEW JOURNALISTIC ENDEAVOR.

Also:

S. J. R. 239. COMMENDING AND PRAISING KEN STABLER FOR OUTSTANDING ACHIEVEMENT IN THE WORLD OF SPORTS.

Also:

S. J. R. 241. MOURNING THE DEATH OF FORMER SENATOR RICHARD DOMINICK.

Also:

S. J. R. 242. CONGRATULATING VAUGHN STEWART ON HIS ELECTION AS PRESIDENT OF THE STUDENT BODY OF THE UNIVERSITY OF ALABAMA.



Also:

S. J. R. 244. MOURNING THE DEATH OF DR. KENNETH E. JOHNSON.

Also:

S. J. R. 245. COMMENDING THE LEE HIGH SCHOOL BAND OF HUNTSVILLE ON BEING THE GOVERNOR'S SELECTION FOR REPRESENTING OUR STATE IN THE PRESIDENTIAL INAUGURATION.

McDOWELL LEE,  
Secretary.

#### SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

#### BILLS ON SECOND READING

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 440. (With Substitute): To require any utility or telephone company that is required to obtain a certificate of public convenience and necessity under Title 48, Section 105 or Section 332 of the 1940 Code of Alabama from the Alabama Public Service Commission for the construction or operation of any facility to give notice of the filing of such application with said Commission to the owners of all lands which are proposed to be acquired for the construction or operation of the facility for which the certificate of convenience and necessity is sought, and to provide that such owners shall be entitled to be heard and to participate in such certificate proceedings; to repeal all laws or parts of laws in conflict herewith and to provide for the effective date of this Act.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 716. To amend Title 16, Education, Chapter 13, Article 3, Section 16-13-56 of the Code of Alabama, 1975.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 717. (With Amendments): To direct the Code Commissioner to correct an error which appears in Title 16, Chapter 13, Article 3, Section 16-13-56 of the Manuscript of the Code 1975, which was adopted by Act No. 1, H. 100 of the current session of the Legislature, the section of such manuscript which deals with the determination of the amount of local funds available for purposes of the minimum school program, in order to make this section correctly state the law on this subject.

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 208. To regulate occupational therapy; to provide for a short title; to provide for a declaration of purpose; to provide for definitions; to provide for the Alabama State Board of Occupational Therapy, its establishment, terms of office, vacancies, and removal of members; to provide for members of the Board; to provide for administrative provisions and powers and duties of the Executive Board of Alabama; to provide for service of process and official records as prima facie evidence; to provide for licenses as a requirement of practice; to provide for persons and practices not affected by this Act; to provide for requirements for licenses; to provide for examinations; to provide for waiver of requirements for licensure; to provide for issuance of licenses; to provide for suspension and revocation of licenses; to provide for renewal of licenses; to provide for fees; to provide for crimes and criminal penalties for violations of this Act; to provide for other matters relative to the foregoing; to provide for severability; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Mr. Kinsey, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 469. To require the commissioner of insurance to issue a retiring license to an insurance agent who has terminated employment with an insurer and to reissue a license to such agent upon resumption of employment with an insurer without the necessity of an examination.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 317. To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama; providing for the repeal of all laws or parts of laws in conflict herewith; and prescribing the time when this Act shall become effective.

H. 437. Relating to the governing body of Chambers County; amending Sections 1 and 2 of Act No. 475, H. 304, Regular Session 1973 (Acts of 1973, p. 689), which act creates the county commission of Chambers County in lieu of the court of county commission of such county; so as to provide further for the rearrangement of commissioner's districts and for the election, terms and qualifications of the commissioners.

H. 628. Relating to Blount County; to authorize the county commission, within its sole discretion, to employ and set the salaries of such clerical assistants as the tax assessor, tax collector and probate judge may recommend for their respective offices.

H. 637. Relating to Cullman County; to reorganize the structure of the county commission in said county by providing for the election of the county commission by the county at large and prescribing residency requirements for the commissioners from the districts herein defined.

H. 652. Relating to counties having a population of not less than 24,000 nor more than 24,800 inhabitants according to the 1970 or any subsequent federal decennial census; to provide additional compensation for the Board of Registrars in an amount to be set by the County Commission, within certain limits; to make the provisions of this act retroactive.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report with amendments, and it was read a second time and placed on the Calendar, to-wit:

S. 158 (With Amendments): To establish a student assistance program in the State of Alabama to be known as the Alabama Student Grant Program, which will provide for state grants to certain approved institutions of postsecondary education in Alabama on behalf of and to the credit of eligible students who are bona fide residents of Alabama; to set forth legislative findings and purposes underlying the Program; to provide for the grants payable under the Program; to designate the Alabama Commission on Higher Education to administer the Program; to vest the Alabama Commission on Higher Education with the powers and duties reasonably needed for the effective implementation and administration of the Program; to establish various procedures and requirements concerning the availability of grants, applications for grants, approval and award of grants, renewal of grants, and revocation of grants; to prohibit the use of grants for religious or sectarian purposes and to prohibit the use of money raised for the support of public schools to support schools of a predominantly sectarian or denominational character; to provide for periodic auditing of approved institutions; to provide for periods when there may be insufficient funds to provide such eligible student with a full grant for the terms requested; to provide a penalty for false statements or misrepresentations in connection with the procurement of grants; to make an appropriation funding the program from the Special Education Trust Fund; to provide for severability; to repeal conflicting laws; and to provide an effective date.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 17. To make appropriations for the support and maintenance of certain private schools and institutions of higher learning located in the State of Alabama for the fiscal year ending September 30, 1977.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 489. (With Amendment): To make supplemental appropriations for the use of the Board of Corrections for payment to the various counties for expenses incurred for the housing and confinement of state prisoners in county jails; for the operations of the Department of Public Safety; and for the payment of interest on General Obligation Bonds paid from the State General Fund.

H. 486. (With Amendment): To make appropriations for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1978.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 490. To make appropriations for support and maintenance of the Tuskegee Institute, located in Macon County for the fiscal year ending September 30, 1978.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 491. (With Substitute): To make appropriations for the support and maintenance of Talladega College.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 492. To make appropriations for the support and maintenance of the Walker County Junior College located in Jasper, Walker County, Alabama for the fiscal year ending September 30, 1978.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 493. (With Amendment): To make appropriations for support and maintenance of the Marion Institute, located in Perry County.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 514. To amend the title and Section 1 of Act No. 638, H. 234 of the 1976 Regular Session (Acts 1976, Vol. II, p. 886), so as to transfer all funds collected thereunder into a fund to be designated as "Probationers' Upkeep Fund" and to have all such funds subsequently collected deposited in the state treasury to the credit of that fund for the use by the Board of Pardons and Parole for the purposes stated in said section; and to make an immediate appropriation from the funds collected pursuant to the act.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 47. Relating to all counties having a population of not less than 115,000 nor more than 150,000 inhabitants according to the 1970 or any subsequent federal decennial census; providing for additional times when real property may be returned and valued for ad valorem tax purposes.

H. 439. To provide for purging the lists of registered voters in Chambers County; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

H. 651. Relating to all counties having populations of not less than 115,000 nor more than 150,000 according to the 1970 or any subsequent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in said county.

### RESOLUTIONS

The following resolutions were introduced:

By Mr. Albright:

H. R. 89. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, Any bill which changes the minimum education program formula must also go to the education committee.

### MOTION TO SUSPEND RULES AND ADOPT

Mr. Albright offered the motion to suspend the rules and adopt the resolution, H. R. 89.

### DIVISION OF THE QUESTION

Mr. Manley called for the Division of the Question, and the call was sustained.

### MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Mr. Albright to suspend the rules in order to take up for immediate consideration the resolution, H. R. 89, and the motion was lost.

Yeas 15; Nays 30.

*Yeas:*

Messrs.: Albright, Andrews, Barron, Brindley, Glass, Greer, Hilliard, Holley, Holmes (A), Hopping, Howard, Johnson, Leonard, Smith (C) and Starkey.

*Nays:*

Mr. Speaker, Armstrong, Biddle, Carothers, Cates, Crowe, Falkenburg, Gafford, Hall, Holmes (D), Jackson (F), Kinsey, Lockett, McMillan, Manley, Merrill, Moore (O), Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (M), Sonnier, Sparks, Venable, Waggoner, Whatley and White.

—30

The resolution, H. R. 89, was read and referred to the Standing Committee on Rules.

### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

Also:

By Mr. Gafford:

H. J. R. 90. WHEREAS, the Interim Committee to Study the Tax Structure of the State of Alabama and the Distribution of Tax Revenues was created by Act No. 1178 of the 1975 Regular Session of the Legislature, and

WHEREAS, the committee was directed to make its report on or before the 10th Legislative Day of the 1976 Regular Session of the Legislature, and

WHEREAS, a report was made during that period of time but was not reduced to writing, and

WHEREAS, the committee desires to make a further report in writing.

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Committee to Study the Tax Structure of the State of Alabama and the Distribution of Tax Revenues is hereby ordered to deliver its report to the printers for distribution to the membership of the House and Senate no later than the 10th Legislative Day of the 1977 Regular Session.

BE IT FURTHER RESOLVED That the Clerk of the House and/or the Secretary of the Senate pay for the printing with funds heretofore appropriated for the Legislature.

On motion of Mr. Gafford, the rules were suspended and the resolution, H. J. R. 90, was adopted.

#### INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Johnstone:

H. 723. Proposing an amendment to the Constitution of Alabama authorizing Mobile County to build and operate a county penal facility and to issue bonds and levy a tax to finance the facility.

Local Legislation No. 3.

The above bill was read a first time at length as required by the Constitution.

By Mr. Johnstone:

H. 724. To amend the title and Section 1 of Act No. 565, H. B. 391, Regular Session of 1963, regulating the working hours of all paid firemen in cities or towns with a population of twenty nine thousand or more so as to decrease the working hours of said firemen.

Local Government.

By Messrs. Glass and Sonnier:

H. 725. Relating to seafoods; to create and empower a seafoods commission which will advise the department of conservation and natural resources on matters relating to the seafood industry; to require license of certain dealers in seafood; to require a license of persons who

take or catch certain seafood from saltwater; and to require and authorize the seizure of seafood cargoes taken in violation of seafood laws.

Conservation.

By Mr. Glass:

H. 726. To provide for a pay increase for sworn law enforcement officers with full peace officer authority in the service of the state, and to appropriate necessary funds.

Ways and Means.

By Mr. Rich (With Notice and Proof):

H. 727. To alter or rearrange the boundary lines of the town of Cedar Bluff, Cherokee County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cedar Bluff, Alabama.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 727 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1976 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. McCluskey:

H. 728. To provide for the night hunting and taking of racoons and opossums with the use of a light and/or shotgun using shot no larger than number eight, or with a 22-caliber rimfire rifle using 22-caliber-short ammunition in all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Local Legislation No. 1.

By Mr. McCluskey:

H. 729. To provide for the night hunting and taking of racoons and opossums with the use of a light and/or shotgun using shot no larger than number eight, or with a 22-caliber rimfire rifle using 22-caliber-short ammunition in all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the 1970 or any subsequent federal decennial census.

Local Legislation No. 1.

By Mr. Rich:

H. 730. To re-enact and to amend further Act No. 519, H. 1172 of the 1975 Regular Session (Acts of Alabama, 1975, Vol. II, p. 1165), which relates to the power of boards of education in counties having populations of not less than 90,000 nor more than 100,000 inhabitants, to borrow money for capital outlay purposes, so as to delete provisions in such acts relative to the distribution of the revenues derived from the tax on malt or brewed beverages and the provisions for establishment of an advisory council, and to regulate further the procedure for obtaining loans and the time within which the loan must be repaid.

Local Legislation No. 1.

By Mr. Morris:

H. 731. To reorganize the Executive Department of state government; to express the public policy of the State regarding the structure

and functions of the Executive Department, and to state the intent of the Legislature concerning the reorganization of the Executive Department, the establishment of new executive offices, the orderly transfer of certain enumerated agencies or the functions of such agencies to such executive offices, the effect of such reorganization on existing agencies of the Executive Department and their employees, the establishment in the future of executive offices or agencies, and the assignment or transfer of powers, duties, and functions of existing agencies, or agencies hereinafter created, to the executive offices or agencies established hereafter; to define certain terms, and to provide a uniform nomenclature for the internal structure of executive offices established in the Act; to list the Constitutional, elective, and executive offices which compose the Executive Department, except as may be otherwise provided by law; to limit the number of executive offices within the Executive Department to fifteen and to provide for the future assignment of agencies or functions to the executive offices established herein; to establish within each executive office established herein the position of Secretary; to enumerate the powers, duties, and functions of Secretaries of executive offices; to provide that Secretaries of executive offices shall perform their functions under the general control and supervision of the Governor; to provide that certain officers may be appointed for the executive offices established herein, including Deputy Secretaries, directors, supervisors, chiefs, and legal counsel; to provide that certain officers shall obtain commissions before entering upon and exercising the duties of their respective offices; to provide for the place of residence, oath of office, and official bond of certain enumerated officers of the executive offices established herein; to provide salaries for officers and employees of executive offices; to specify those officers and employees of executive offices who are subject to the State merit system law; to enumerate those officers of executive offices subject to impeachment and governed by the provisions of Act No. 130 enacted at the 1975 Regular Session of the Legislature; to provide for the transfer for administrative purposes of existing agencies of the Executive Department to the executive offices established herein; to provide that such agencies shall continue to perform their statutory functions under the supervision and regulation of the executive office to which they are transferred, except in the case of certain examining and licensing agencies and agencies authorized to issue bonds or other evidences of indebtedness; to specify those services which the executive office may perform for an agency transferred to it for administrative purposes; to provide for the transfer of the effects and the employees of agencies transferred for administrative purposes; to define the effect of such transfer on the obligations and debts of such agencies and the ability of such agencies, the State, or its executive offices, to comply with federal laws concerning federal assistance to any of them; to provide for the transfer of existing agencies and their statutory functions to an executive office established herein; to provide that any agency so transferred shall continue to exist as an advisory agency or advisory council within the executive office to which it is transferred; to provide for the effect of such transfer on the performance of the statutory functions transferred, the filing of certain financial information, the pending business of any agency so transferred, the obligations and debts of any such agency, and the ability of any such agency, the State, or its executive offices to comply with federal laws concerning federal assistance to any of them; to provide for the transfer of the effects and the employees of any agency so transferred; to provide for the abolition of existing agencies and the transfer of their statutory functions to an executive office established herein; to provide for the effect of such abolition and transfer on the performance of the statutory functions transferred, the pending business of any abolished agency, the obligations and debts of any abolished agency, and the ability of the



State, or its executive offices, to comply with federal laws concerning federal assistance to any of them or to any agency so abolished; to provide for the transfer of the effects and the employees of any agency so abolished; to provide that existing agencies may be abolished and that their statutory functions shall cease to exist; to provide for the effect of such abolition on the pending business of any such agency, its obligations, and its effects; to provide that civil and criminal actions pending on October 1, 1978, shall not be affected by this Act, except as specifically provided herein; to provide for employees of the State affected by this Act; to provide for other effects of this Act on the holders of bonds and obligations issued before October 1, 1978, and the parties to contracts and other agreements entered into before October 1, 1978; to continue lawfully adopted rules and regulations of certain agencies; to provide that the Governor may replace any state officer whose position is not continued by this Act and who is a member of an agency continued or transferred by this Act; to provide that the Governor shall be responsible for formulating and implementing a transition plan which carries out the provisions and purposes of this Act; to require the cooperation of all existing agencies of the Executive Department with the Governor in implementing this Act; to provide that the Legislature shall be furnished certain information pertaining to the reorganization of the Executive Department; to appropriate specified sums to the Office of the Governor to implement this Act; to provide that the transfer of agencies and functions of agencies as provided herein shall be effective on October 1, 1978; to provide for a Cabinet; to specify its members and assign it certain advisory functions; to provide for the continuation of any agency of the Executive Department existing on the effective date of this Act, except as otherwise provided herein; to specify a short title for this Act; to provide that if any provision of this Act is declared invalid, that such declaration shall not affect the validity of the remainder of the Act; to repeal all laws or portions of laws in conflict with this Act; to provide an effective date for this Act; to establish in the Executive Department the following executive offices: Office of Administration; Office of Business Regulation; Office of Economic and Community Development; Office of Forestry Services; Office of Health Resources; Office of Labor; Office of Mental Health; Office of Military Affairs; Office of Natural Resources; Office of Prisons and Rehabilitation; Office of Protection and Law Enforcement; Office of Revenue; Office of Social Services; Office of State Enterprises; Office of Transportation; to provide for the transfer of certain enumerated agencies to these executive offices by a specified method of reorganization; to provide that the Governor may by executive order abolish or transfer certain enumerated agencies established by Executive order to specified executive offices and by a specified method of reorganization; to abolish certain agencies; and to repeal specifically the following Acts or provisions thereof: Section 2(d) of Act No. 48 enacted at the 1950 Fifth Special Session of the Legislature; Act No. 514 enacted at the 1963 Regular Session of the Legislature; Section 3 of Act No. 712 enacted at the 1951 Regular Session of the Legislature; Sections 6 and 7 of Act No. 226 enacted at the 1965 Regular Session of the Legislature; Section 4(c) of Act No. 2059 enacted at the 1971 Regular Session of the Legislature; Section 5 of Act No. 582 enacted at the 1963 Regular Session of the Legislature; Act No. 1115 enacted at the 1969 Regular Session of the Legislature; Act No. 324 enacted at the 1947 Regular Session of the Legislature; Section 5 of Act No. 47 enacted at the 1955 Regular Session of the Legislature; Sections 4 and 5 of Act No. 103 enacted at the 1955 Regular Session of the Legislature; Act No. 92 enacted at the 1965 First Special Session of the Legislature; Section 32 of Act No. 1049 enacted at the 1969 Regular Session of the Legislature; Sections 4, 5, and 6 of Act No. 816 enacted at the 1973 Regular Session of the Legislature; Section 5 of Act No. 673 enacted at

the 1947 Regular Session of the Legislature; Act No. 889 enacted at the 1953 Regular Session of the Legislature; Sections 8 and 9 of Act No. 1197 enacted at the 1975 Regular Session of the Legislature; Section 3 of Act No. 446 enacted at the 1963 Regular Session of the Legislature; Section 4 of Act No. 394 enacted at the 1957 Regular Session of the Legislature; Section 2 of Act No. 373 enacted at the 1955 Regular Session of the Legislature, as amended.

Ways and Means.

By Messrs. Ford, Taylor and Rich:

H. 732. To make an appropriation from the General Fund in the State Treasury to the Alabama Peace Officers Standards and Training Fund to be used for auxiliary and reserve law enforcement training for the current fiscal year ending September 30, 1977.

Ways and Means.

By Mr. Pegues:

H. 733. Proposing an amendment to the constitution of Alabama pertaining to the issuance of revenue bonds and other revenue securities by municipalities.

Local Government.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Biddle, Waggoner, Armstrong, White, Moore (O), and Falkenburg:

H. 734. To name the engineering building on the campus of The University of Alabama in Birmingham Cudworth Hall.

State Administration.

By Messrs. Biddle, Waggoner, Armstrong, White, Moore (O) and Falkenburg:

H. 735. To name the new basic sciences building in the Medical Center of The University of Alabama in Birmingham Volker Hall.

State Administration.

By Mr. Boles:

H. 736. To make it unlawful for any person, company, corporation or firm to store or park a barge in excess of a certain period of time on Friley Creek of Bankhead Lake on the Warrior River and to prescribe penalty and manner of enforcement.

Conservation.

By Mr. Boles:

H. 737. To amend Section 262, Title 26, Code of Alabama, 1940, Recompiled 1958, relating to certain controversies under the workmen's compensation law which are submitted to circuit court for resolution, so as to provide that an injured employee or the representative of a deceased employee or the employer may demand a trial by jury for the determination of conflicting medical testimony of employer's physician and employee's physician pursuant to a claim negotiation.

Ways and Means.

**REGULAR SESSION**  
**7th Day**

373

By Mr. Kelley (With Notice and Proof):

H. 738. To alter, rearrange and extend the boundary lines and corporate limits of the town of Grant, Alabama.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 738, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Boles:

H. 739. To amend Title 52, § 352, Code of Alabama, 1940, as amended to provide that a teacher with continuing service status may retain such status when transferring from one school system to another school system within the State of Alabama.

Education.

By Mr. Boles:

H. 740. To amend the Alabama School Code Tit. 52 Section 351 (1953, p. 1050), to redefine classroom teacher.

Education.

By Messrs. Boles, Armstrong and Howard:

H. 741. To re-divide the state into judicial circuits so as to create a Thirty-ninth Judicial Circuit consisting of that part of Jefferson County known as the "Bessemer Cut-off"; to provide for the judgeships in both the Tenth and the Thirty-ninth Judicial Circuits and for the office of district attorney in the Thirty-ninth Judicial Circuit; and otherwise to regulate and provide for holding circuit court in the Thirty-ninth Judicial Circuit.

Local Legislation No. 2.

By Messrs. Roberts, Cross, Martin and Drake (With Notice and Proof):

H. 742. Relating to Morgan County and to enable Morgan County to make contributions and to provide for liability insurance, to volunteer rural fire departments organized according to law in Morgan County, Alabama and to provide life and accident insurance to the members of such organizations.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 742, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Martin, Roberts, Drake and Cross (With Notice and Proof):

H. 743. Relating to Morgan County; to direct the judge or probate to transfer all records and lists in his custody relating to electors and voting to the board of registrars of Morgan County and to direct the board of registrars to supply to the probate judge from time to time such transferred information as may be necessary to the fulfillment of his lawful duties; and to repeal conflicting laws.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 742, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Martin, Roberts, Cross and Drake (With Notice and Proof):

H. 744. To amend Section 2 of Act No. 908, H. 1692, Regular Session 1971 (Acts 1971, p. 1672), which act provides for a contingent fund for certain counties classified on a population basis, so as to provide certain traveling expenses to county officials.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 744, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Taylor, Rich, Ford, Brindley, Robertson and Johnson:

H. 745. To amend Sections 279, 283, 289 and 293, Title 26, Code of Alabama 1940, as amended, relating to Workmen's compensation disability benefits, death benefits and limitations on compensation benefits, so as to increase the maximum allowable benefits, to provide for annual redetermination of benefits on all injuries and to allow an injured worker to choose his own physician for treatment.

Ways and Means.

By Messrs. McCulley and Warren:

H. 746. To further regulate insurance companies; to prohibit any health or accident insurance company from reducing in part or in whole any benefits payable under any health or accident policy in force upon which a claim is made; to allow any claimant to file on any or all policies under which he is insured without regard to the insurer or insurers; and to authorize the commissioner of insurance to formulate, issue and promulgate any reasonable rules and regulations necessary to enforce the provisions of this act.

Insurance.

By Messrs. Falkenburg and Gafford:

H. 747. To amend the title of Act No. 639 of the Regular Session of the Legislature of 1973 (Ala. Acts, 1973, pp. 946-948), herein called "Act 639", which Act levies in counties having a population of 500,000 or more, according to the last or any subsequent federal decennial census, a pistol permit fee of Two Dollars and Fifty Cents (\$2.50), and which Act prescribes how such pistol fee shall be used; to amend said Act 639; and to provide that the title of said Act 639, as hereby amended.

Local Legislation No. 2.

By Mr. Barron:

H. 748. Relating to motor vehicle dealers; providing for the licensing of motor vehicle dealers, reconditioners, or rebuilders, and the wholesalers, providing for qualifications and fees; prescribing information to be included in application; requiring certain records to be kept; providing a penalty; providing for suspension or revocation of license; requiring a bond or evidence of net worth; providing for severability; providing an effective date.

Business and Labor.

By Mr. Lutz:

H. 749. To provide for a conclusive presumption in favor of an innocent purchaser or mortgagee for value without notice of non-delivery, where there has been a purported deed, mortgage or other conveyance of any interest in land, which has been signed by the grantor or mortgagor and recorded in the proper place for a period of three years.

Judiciary.

By Mr. Lutz:

H. 750. To amend Section 262, of Title 51, Alabama Code of 1940, relating to the sale of land for ad valorem taxes to make further provision for the recording and indexing of tax sales and deeds given in confirmation thereof and to provide for the duties of the judge of probate and the tax collector.

Judiciary.

By Mr. Lutz:

H. 751. To provide for the recording and indexing of sales to foreclose liens for unpaid municipal ad valorem taxes and improvement assessments against land.

Judiciary.

By Mr. Lutz:

H. 752. To provide that a purchaser under a quitclaim deed is an innocent purchaser for value; to provide for the transactions affected.

Judiciary.

By Mr. Lutz:

H. 753. To provide for the recording of certificates of death, birth or marriage; to provide that such recordation shall be prima facie evidence of the facts contained therein; to provide for the indexing of such certificates; to provide for a recordation fee.

Judiciary.

By Mr. Lutz:

H. 754. Validating certain defective conveyances when unchallenged for ten years.

Judiciary.

By Mr. Lutz:

H. 755. To validate deeds or other conveyances of land executed or delivered on Sunday by repealing Section 21 of Title 9, Alabama Code of 1940.

Judiciary.

By Mr. Lutz:

H. 756. Binding the signer of a conveyance of land.

Judiciary.

By Mr. Lutz:

H. 757. Binding a principal to a conveyance of land where an agent has clearly signed in a representative capacity.

Judiciary.

By Mr. Lutz:

H. 758. To provide for the recording and indexing of revocation of powers of attorney, continued effectiveness of a power of attorney where the principal is disabled, conclusive validity of the exercise of a power of attorney if unrevoked within two years of recordation, and revocation of the power after the death of the principal.

Judiciary.

By Mr. Lutz:

H. 759. To amend Section 4-106 of Act No. 1205, S. 400, 1975 Regular Session (Acts of 1975, p. 2384), relating to the establishment of a unified judicial system for the State of Alabama, so as to eliminate the requirement that a warrant magistrate be a law graduate in order to issue a search warrant.

Judiciary.

By Mr. Lutz (With Notice and Proof):

H. 760. To provide an expense allowance for each District Judge of the District Court of Madison County.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 760, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Sparks and Crowe:

H. 761. To amend Act No. 64, H. 92, 1975 Third Special Session (Acts 1975, p. 291) entitled "An Act Relating to counties having populations of not less than 16,600 nor more than 16,950 according to the most recent federal decennial census, providing expense allowances for the Circuit Court Register in such counties," so as to change the expense allowance to a salary supplement.

Local Legislation No. 1.

By Mr. Smith (C):

H. 762. To further amend Title 55, Section 186, Code of Alabama 1940, Recompiled 1958, relating to fees charged by the Secretary of State, so as to prescribe the fee for countersigning and affixing the state seal to the commission issued to commissioned officers of the state.

Ways and Means.

By Mr. Gregg (With Notice and Proof):

H. 763. To authorize the governing body of Madison County, Alabama, to establish fire districts or a fire department for Madison County; to authorize the adoption of a fire code for Madison County; to authorize the levy of a fire tax and to otherwise authorize fire protection measures within Madison County.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 763, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Cross:

H. 764. Relating to any county having a population of not less than 27,000 nor more than 27,900 according to the 1970 or any subsequent federal decennial census; exempting all volunteer fire departments within any such county from the payment of all state, county and municipal sales and use taxes.

Local Legislation No. 1.

By Mr. Cates:

H. 765. To amend the title and Sections 2, 59 and 61 of Act No. 1038, H. 1005, 1973 Regular Session (Acts of 1973, p. 1572; now appearing in Code of Alabama, Recompiled 1958, Title 35 §§ 185(1)—185(134) entitled, "An Act To create a uniform military code by rewriting Sections 1-185 and Sections 203-349 of Title 35, Code of Alabama and amendments thereto, to provide for the Alabama National Guard and naval militia and to provide for the Alabama State Guard; to provide for the training, regulation, maintenance and appropriations therefor; to establish the state military department and office of the Adjutant General and to prescribe the duties, authority, and power of such department and office; to establish a uniform code of military justice and to provide other authority incidental to the proper establishment and maintenance of the Alabama National Guard, naval militia, and the Alabama State Guard;" so as to establish the term of office for general officers and to provide for their appointment and removal; to provide that the adjutant general and deputy adjutant general shall be full time employees of the state and shall hold no other position of employment.

Military Affairs.

By Messrs. Hines, Campbell, Martin and Cates:

H. 766. To require that any project approved as an undertaking to be acquired by any industrial development board incorporated under Act No. 648 of the 1949 Regular Session of the Legislature, as amended and supplemented (1975 Code Title 11, Chapter 54, Section 80, et seq.) may be disapproved within a limited time by the governing body of the municipality whose consent for the incorporation of such board is required if such project is located within the corporate limits of such municipality.

Local Government.

By Messrs. McMillan, Campbell, Martin and Cates:

H. 767. To require that any project approved as an undertaking to be acquired by any medical clinic board incorporated under Act No. 516 of the 1955 Regular Session of the Legislature, as amended and supplemented (1975 Code Title 11, Chapter 58, Section 1 et seq.) may be disapproved within a limited time by the governing body of the municipality whose consent for the incorporation of such board is required if such project is located within the corporate limits of such municipality.

Local Government.

By Messrs. Plaster, Smith (C), Wyatt, Sandusky, Falkenburg, Roberts, Coburn, Boles, Naramore, Folmar, Riddick, Waggoner, Robertson, Drake, Warren, Owens, Holley, Crawford, Hill, White, Rich, Edwards, Martin, Johnstone, Carothers, Williams, Hines, Dial, Merrill, Holmes (D), McNeese, Andrews, Jackson (F), McCulley, Carter, Morris, Greer, Leonard, Hall, Albright, Biddle, Baker, Kinsey, Killian, Pegues, Trammell, McMillan, Taylor, Glass, Cross, Smith (B),

Whatley, Lee, Ford, Porter, Brindley, Kelley, Quarles, Reed, Jolly, Turnham, Venable, Barron, Sparks, Mitchem, Cooper, Buskey, Starkey, Goodwin, Johnson and Shelton:

H. 768. Amend Section 1 Act No. 35, 1969 Special Session (1969 Acts Book, Vol. 1, pp. 86-87) so as to prescribe the manner of determining teacher units for the purpose of apportioning the minimum school program fund; and to repeal and supersede conflicting laws or parts of laws.

Ways and Means.

By Mr. Reed:

H. 769. To make appropriation for the support and maintenance of the Southern Vocational College located in Macon County for the fiscal year ending September 30, 1978.

Ways and Means.

By Messrs. Drake and Sparks:

H. 770. To authorize and provide for maintenance by the State Highway Department of all roads and drives whether located on state-owned rights of way or not, which serve cemeteries, churches, mail routes, bus routes or occupied residences in any county having a population of not less than 50,000 nor more than 52,500, according to the 1970 or any subsequent federal decennial census.

Local Legislation No. 1.

By Messrs. Drake and Sparks:

H. 771. To make an appropriation to the George C. Wallace Community College at Hanceville.

Ways and Means.

By Mr. Folmar:

H. 772. To provide for a fee to be paid for filing or recording any instrument conveying real estate or any interest therein and for such fee to be forwarded to the State Treasurer; to provide for the disposition of said funds by the State Treasurer; to provide that all funds paid out by the State Treasurer shall be budgeted and allotted; and further providing that any monies in the Land Surveys Fund in excess of \$100,000.00 at the end of any state fiscal year shall be transferred into the General Fund of the State.

Ways and Means.

By Messrs. Crowe, Starkey, Naramore, Owens, Jackson (F) and Sandusky:

H. 773. To amend the Title and Sections 1, 4, 7, 8, 9, 12, 14, 15, 20 and 21 of the Alabama Turnpike Authority Act, pertaining, respectively, to Legislative Purpose, Powers of the Authority, Bonds and Notes of the Authority, Security for the Bonds, Tolls and Other Charges, Exemptions from Taxation, Projects to be Kept in Good Repair, Regulations and Police Service for Projects, Refunding Bonds and Preliminary Study of Projects.

Ways and Means.

By Mr. Folmar:

H. 774. To amend Section 2 of Act No. 700, Regular Session of the Legislature 1969, to authorize the members of the Prevailing Wage Commission to designate someone to represent them in hearings and to determine wages.

Ways and Means.



By Mr. Waggoner:

H. 775. To amend Sections 2, 7 and 18 of Act No. 997, H. 400 Regular Session 1973 (Acts 1973 p. 1510) relating to the practice of public accounting so as to prescribe further qualifications for members of the State Board of Accountancy, to make written registration applicable to licensed accountants instead of public accountants and to further prescribe penalties.

State Administration.

By Mr. Waggoner:

H. 776. To amend further Section 263, Title 26, Code of Alabama 1940, relating to the Workmen's Compensation Law so as to include all employees of local county and city school boards.

Ways and Means.

By Mr. Wyatt:

H. 777. Relating to crimes and offenses; to make it unlawful under certain circumstances to remove a child from this state in violation of a court order or during the pendency of an action affecting custody of a child; to make it unlawful under certain circumstances to fail to produce a child in court or deliver the child to the person designated by the court; to make any such offense a felony and to provide penalties therefor.

Judiciary.

By Mr. Drake:

H. 778. To create the office of governor's councillor; to prescribe the duties and functions of such officer and to regulate and provide for payment of his compensation.

Ways and Means.

By Messrs. Whatley and Turnham:

H. 779. Relating to counties having a population of not less than 60,000 nor more than 65,000 inhabitants according to the 1970 or any subsequent federal decennial census; regulating the compensation of members of the county board of education.

Local Legislation No. 1.

By Mr. Kennedy:

H. 780. To amend the Report adopted and submitted by the State Judicial Compensation Commission on January 28, 1977 and filed with the Alabama House of Representatives and the Senate of Alabama on February 1, 1977; so as to provide a salary of \$39,000 per year for each judge, whether presiding or associate, of each Court of Appeals; and so as to reject and to annul the recommendations or provisions of said Report concerning the salaries of circuit judges and the salaries of district judges; and so as to approve and to enact those certain recommendations or provisions of said Report not herein amended, rejected, or annulled.

Ways and Means.

By Mr. Kennedy:

H. 781. To amend the Report adopted and submitted by the State Judicial Compensation Commission on January 28, 1977 and filed with the Alabama House of Representatives and the Senate of Alabama on February 1, 1977; so as to provide a salary of \$39,000 per year for each

judge, whether presiding or associate, of each Court of Appeals; and so as to reject and to annul the recommendations or provisions of said Report concerning the salaries of circuit judges and the salaries of district judges; and so as to provide and to grant a five per cent (5%) cost-of-living increase in the state-paid portion of the salary of every circuit judge and every district judge; and so as to approve and to enact those certain recommendations or provisions of said Report not herein amended, rejected, or annulled.

Ways and Means.

By Mr. Dial (With Notice and Proof):

H. 782. Relating to Cleburne County; to change the method of compensating the judge of probate, the tax assessor, and the tax collector; to fix the compensation of each of such officers; and to make the act retroactive as to the judge of probate.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 782, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Carothers, Crawford and Smith (J):

H. 783. To provide that all real estate shall be assessed for ad valorem tax purposes according to its value in actual use and not according to any speculative or potential use in all counties having populations of not less than 56,500 nor more than 59,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Local Legislation No. 1.

By Mr. Turnham:

H. 784. To regulate the practice of soil classification; to provide for the registration of qualified persons as professional soil classifiers; to create a state board of registration of soil classifiers; to provide for the appointment and compensation of its members; to fix the terms of the members of the board and to define the powers and duties of the board; to provide the minimum qualifications and other requirements for registration; to establish fees with expiration and renewal requirements; to provide that certain persons shall be exempt from the provisions of this act; and to provide for the enforcement of this act and prescribe criminal penalties for its violations.

Agriculture.

By Messrs. Sasser and Williams:

H. 785. To provide for the night hunting and taking of racoons and opossums with the use of a light and/or shotgun using shot no larger than number eight, or with a 22-caliber rimfire rifle using 22-caliber-short ammunition in all counties having a population of not less than 52,500 nor more than 54,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Local Legislation No. 1.

By Mr. Sasser:

H. 786. Proposing an amendment to the Constitution of Alabama providing for the mandatory retirement of all judges within ninety (90) days after their seventieth (70th) birthday.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Sasser:

H. 787. To exempt the American Diabetes Association, Alabama Affiliate, Inc. from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Mr. Campbell:

H. 788. Proposing an amendment to the Constitution of Alabama relating to placing the probate judge, the tax assessor, and the tax collector of Choctaw County on a salary basis of compensation.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Mr. Manley:

H. 789. To amend Section 2 of Act No. 46 adopted at the 1949 Regular Session of the Legislature of Alabama so as to expand the definition of "Hospital" contained therein to include nursing homes and extended care facilities.

Health.

By Mr. Manley:

H. 790. To amend Act No. 63 adopted at the 1957 Regular Session of the Legislature of Alabama so as to provide that the power and authority of any public body becoming a body corporate thereunder shall be the same as provided for county hospital boards as provided in Act No. 46 approved June 2, 1949, as heretofore or hereafter amended.

Health.

By Mr. Manley:

H. 791. To further authorize and empower the Department of Pensions and Security to operate child support programs, locate absent parents, establish paternity, enforce child support obligations, to collect and distribute support payments, and to conform with certain provisions of the Social Security Act, as amended, in order to obtain maximum benefits under the Social Security Act, as amended; and to prescribe penalties.

Judiciary.

By Messrs. Greer, Carter, Crowe, Kelley, Smith (B), Starkey, Hill and Roberts:

H. 792. Providing that certain elderly Alabama residents shall be entitled to hunt deer by any legal means without regard to sex during the special archery hunting season.

Conservation.

By Messrs. Manley and Pegues (With Notice and Proof):

H. 793. To repeal Act No. 137, H. 563, 1971 Regular Session (Acts of 1971, p. 415), as amended; to require the county superintendent of education of Marengo County to be the recipient of a master's degree in school administration; to authorize and empower the Marengo County Board of Education to employ a county superintendent of education for

a term of up to four years and to set the salary, expense allowance, required standards and other qualifications for the position.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 793, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Owens and Martin:

H. 794. To amend further Sections 1, 4, 6, 7, 9, 11, 12, 14, 16, 23 and 28 and to repeal Section 29 of Act No. 78, S. 72, Special Session 1961 (Acts 1961, p. 1955), relating to cosmetology in any county having a population of less than 600,000 according to the last or any subsequent federal decennial census, so as to further provide for the service area, compensation and expenses of members of the board; and to further regulate the teaching and practice of cosmetology.

State Administration.

By Mr. Owens:

H. 795. To further amend Section 11 of Act No. 422, H. 325 of the 1951 Regular Session (Acts 1951, p. 745), as last amended and reenacted, which section pertains to the Real Estate Commission Fund, so as to eliminate the requirement of limiting the expenditure of funds to the budgeted and allotted amount appropriated by the legislature.

State Administration.

By Mr. Owens:

H. 796. To further amend Sections 5, 10 and 11 of Act No. 422, H. 325 of the 1951 Regular Session (Acts 1951, p. 745) as last amended and reenacted, which Act pertains to qualifications for real estate broker and real estate salesmen licensees, so as to establish a "Real Estate Recovery Fund"; to provide procedural rights for aggrieved parties in certain real estate transactions and to provide for the termination of the license of any person against whom a judgment creates a claim against such fund; and to further provide for certain fees and the distribution thereof.

State Administration.

By Mr. Owens:

H. 797. To further amend Sections 4, 7, 10 and 12 of Act No. 422, H. 325 of the 1951 Regular Session (Acts 1951, p. 745), as last amended and reenacted, which Act regulates real estate brokers, salesmen and real estate transactions, so as to provide further therefor.

State Administration.

By Mr. Owens:

H. 798. To provide for the repayment of public assistance grants and payments, food stamps, and other benefits administered by the Department of Pensions and Security obtained by any person not entitled thereto or in excess of that to which he is entitled and to provide for the waiver of such repayment in certain instances.

State Administration.

By Mr. Owens:

H. 799. To amend Section 2, of Act No. 91, H. 70, 1961 Regular Session (Acts of Alabama, 1961, p. 105); Now appearing in the Code of Alabama 1940, Recompiled 1958, Title 49, Section 17 (31c), relating to the authority of the Commissioner of the State Department of Pensions and Security to destroy certain obsolete records, so as to reduce the retention requirement on certain case record material from ten to five years.

State Administration.

By Mr. Owens:

H. 800. To amend Section 2 of Title 41, Section 152, Code of Alabama, 1940, as last amended by Act No. 171, Page 462, (Acts of Alabama, Special and Regular Sessions, 1969, 1970, Vol. 1, Page 462). To provide for and regulate salaries payable to certain state officers and employees in state service.

Ways and Means.

By Messrs. Carothers, Jackson (F), Smith (J), Sasser and Williams:

H. 801. To provide for privileged communication between minister and counselee.

State Administration.

By Messrs. Albright, Riddick, Smith (B) and Starkey:

H. 802. To amend Section 162 of Title 52 of the Code of Alabama 1940, relating to kindergartens and playgrounds, so as to further regulate admission to certain public schools in this state.

Education.

By Messrs. Albright, Riddick, Smith (B) and Starkey:

H. 803. To amend Sections 54, 159 and 192 of Title 52 of the Code of Alabama 1940, relating to the taking of school census so as to change the dates of taking such census.

Education.

By Mr. Waggoner:

H. 804. To prescribe punishment for owners of dogs which bite persons under certain circumstances, and to preserve all existing civil and criminal remedies available to the victim.

Public Welfare.

## RESOLUTIONS

The following resolutions were introduced:

By Mr. Whatley:

H. J. R. 91. CITING FOR MERIT DR. BOOKER TILLMAN WHATLEY OF TUSKEGEE INSTITUTE.

WHEREAS, Booker Tillman Whatley, a native of Anniston, Alabama, received his early education in Calhoun County, his B. S. degree from Alabama A & M University, his Ph. D. from Rutgers, and further completed specialized schools and courses at Command and General Staff College, the Industrial College of the Armed Forces, and Bio-Medical Telemetry at the Smithsonian Institute; and

WHEREAS, Dr. Whatley, a retired Army Major, served meritoriously during both World War II and the Korean Conflict, officially retiring in 1975 with more than thirty years of military service; and

WHEREAS, he has served in the past as a county extension agent, with the U. S. Postal Service, as a high school principal, Professor and Department Head at Southern University, Horticultural Advisor in Ghana, West Africa, a Consultant with the Peace Corps, and presently holds the position of Professor of Plant and Soil Science at Tuskegee Institute; and

WHEREAS, Dr. Whatley further holds membership in a vast number of professional organizations, has authored more than twenty-five scientific publications, and has excelled in the area of research, directing his knowledgeability toward the world food crisis and small and limited resource farmers; and

WHEREAS, in addition to an impressive list of distinguished honors and awards acquired throughout his years of service in scientific fields, Dr. Whatley received the Outstanding Scientist Award for Meritorious Achievement in Research in 1976, and was the originator of two sweet potato cultivars, the 'Carver' and 'Rojo Blanco', which will have a significant economic impact on this state, and for which he has received the Alabama Agricultural Scientist of The Year Award; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we recognize Dr. Booker Tillman Whatley as a brilliant and dedicated scientist, that we highly commend him for the honor and fame he has brought to our state, and that we present him now this meritorious citation for outstanding contributions of worldwide significance.

BE IT FURTHER RESOLVED, THAT Dr. Whatley receive a copy of this resolution as a token of our high esteem.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 91, on the Clerk's desk for one legislative day.

Also:

By Mr. Roberts:

H. J. R. 92. CONGRATULATING THE MORGAN COUNTY HIGH SCHOOL ARCHERY TEAM FOR FIRST PLACE HONORS IN CHAMPIONSHIP COMPETITION.

WHEREAS, the Legislature of Alabama has noted that Morgan County High School's Archery Team won first place in the Junior Olympic Archery Development Round in team competition at the International Archery Championships at Las Vegas, January 28-30, 1977, with Ann Yeager placing second individually and Pam Carden third; and

WHEREAS, this Hartselle, Alabama team, already the recipient of many prior prestigious awards, also placed second in the National Archery Association FITA Team competition, with Eunice Stallworth taking first place in the "A" flight in this division and Coach Mary Rodgers placing fifth in the Championship Flight in which Luann Ryon, Olympic Gold Medalist, won first place; and

WHEREAS, under the able direction of their coach, this fine team also is the defending state archery champion, having won that title eight out of ten years Mrs. Rodgers has been coaching, a success story further due, in part, to encouragement from the team members' parents, friends and other local supporters; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate the

**REGULAR SESSION**  
**7th Day**

385

Morgan County High School Archery Team for their commendable, award-winning performance in Las Vegas, and wish for them continued success in future competition.

**BE IT FURTHER RESOLVED**, That copies of this resolution be sent to Coach Mary Rodgers on behalf of the entire fifteen-member team, and to the five who participated so successfully in Las Vegas: Ann Yeager, Pam Carden, Eunice Stallworth, Annette Mason and Regina Johnson.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 92, on the Clerk's desk for one legislative day.

**Also:**

**By Mr. McMillan:**

**H. J. R. 93. CREATING A SELECT JOINT INTERIM COMMITTEE TO REVIEW THE CURRENT FOREST WILDFIRE EMERGENCY SITUATION.**

**WHEREAS**, the protection of the forest, fields, and rural homes and improvements of Alabama from wildfire is basic to the environmental and economic well-being of every Alabama citizen; and

**WHEREAS**, the current wildfire situation is presenting problems in excess of the state's ability to adequately handle the situation; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING**, That there is hereby created a joint interim committee to be composed of three members of the House and three members of the Senate to be appointed by the presiding officer of each house. The members of the committee shall elect from among their membership a chairman and vice chairman. The committee shall review the current forest wildfire emergency situation and further, make an in-depth study of the state's wildfire prevention, detection and suppression systems and capabilities, with recommendations designed to insure that response to future like emergencies will be maximized consistent with values at risk and the state's ability.

The committee shall have subpoena power and the power to punish for contempt of a committee of the Legislature.

Upon the request of the chairman, the secretary of the senate and the clerk of the House shall provide such clerical assistance as may be necessary for the committee's work.

The committee shall report its findings, conclusions and recommendations on the current forest wildfire emergency situation to the legislature not later than the tenth legislative day of the 1977 Regular Session, and report its findings, conclusions and recommendations of its in-depth study not later than the 19th legislative day of the 1977 Regular Session whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman.

On motion of Mr. McMillan, the rules were suspended and the resolution, H. J. R. 93, was adopted.

## RESOLUTIONS

The following resolutions introduced on the sixth legislative day were read by title pursuant to Joint Rule 11:

H. J. R. 75. HONORING AND CONGRATULATING COACH JOE JONES OF DECATUR, ALABAMA.

H. J. R. 77. HONORING MISS FLORENCE E. ADAMS FOR MERITORIOUS SERVICE TO THE CITY OF DECATUR.

H. J. R. 78. HONORING LEON NELSON FOR OUTSTANDING SERVICE TO MORGAN COUNTY.

H. J. R. 79. HONORING RUBERT W. ABERCROMBIE FOR TWELVE YEARS OF INVALUABLE SERVICE IN THE OFFICE OF COUNTY COMMISSIONER, MORGAN COUNTY.

H. J. R. 80. CONGRATULATING AND COMMENDING MCINTOSH ACADEMY FOR REACHING THE FINALS OF THE STATE CHAMPIONSHIP FOR PRIVATE SCHOOLS.

H. J. R. 81. COMMENDING MCINTOSH UNION HIGH SCHOOL FOR THEIR COMPETITION IN THE STATE CLASS 2A PLAY OFFS.

On motion of Mr. Manley, the resolutions were adopted en masse.

## RESOLUTION

The following resolution introduced on the sixth legislative day was read by title pursuant to Joint Rule 11:

H. J. R. 76. HONORING RUTLEDGE S. THOMAS FOR NOTABLE SERVICE DURING HIS TWENTY-TWO YEARS AS CITY COUNCILMAN FOR THE CITY OF DECATUR.

## AMENDMENT OFFERED

Mr. Martin offered the following amendment to the resolution, H. J. R. 76:

Amend H. J. R. 76, page 2, line 18 by changing the name "Cox" to Ellis

## AMENDMENT ADOPTED

And the amendment was adopted.

On motion of Mr. Martin, the resolution, H. J. R. 76 as thus amended, was adopted.

## RESOLUTION

The resolution:

H. J. R. 86. DESIGNATING THAT PORTION OF INTERSTATE 59 WITHIN THE CITY OF TUSCALOOSA, ALABAMA, "THE LURLEEN BURNS WALLACE EXPRESSWAY" AND DIRECTING THE ALABAMA HIGHWAY DEPARTMENT TO SEEK THE APPROVAL OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION FOR THE ERECTION OF APPROPRIATE MARKERS THEREFOR.

Which was postponed on the sixth legislative day, was read and referred to the Standing Committee on Rules.



RESOLUTIONS

The following resolutions were introduced:

By Mr. Plaster:

H. J. R. 94. COMMENDING MILTON A. WENDLAND UPON BEING NAMED THE NATIONAL "COTTON FARMER OF THE YEAR."

WHEREAS, Milton A. "Buz" Wendland, of the Autauga Farming Company in Autaugaville, has been named the National "Cotton Farmer of the Year" by Cotton Farming Magazine; and

WHEREAS, Mr. Wendland was a State Future Farmer in his native Kansas and a graduate of Kansas State University, and there earned, through scholastic achievement, election to the Alpha Zeta honor fraternity; and

WHEREAS, the former Kansan settled in Alabama in 1960 after a tour of duty at Maxwell Air Force Base, farming on his own, on 225 acres; and

WHEREAS, Mr. Wendland and his Autaugaville Farming Company "team" have helped bring a steadily increasing cotton acreage to a high level of efficiency, qualifying five times out of the last eleven years for the Autauga "Top Ten" Cotton Club; and

WHEREAS, Milton A. Wendland is active in civic and community affairs throughout the county; and

WHEREAS, he has taken the Autauga cotton story nationwide, through this award, and is only the second Alabamian to receive this most prestigious recognition; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we wholeheartedly, and of one accord, congratulate Mr. Milton A. "Buz" Wendland on this outstanding achievement.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Mr. Wendland as evidence of our esteem.

On motion of Mr. Plaster, the rules were suspended and the resolution, H. J. R. 94, was adopted.

Also:

By Mr. Plaster:

H. J. R. 95. HONORING J. B. NEIGHBORS UPON HIS RETIREMENT.

WHEREAS, the Alabama Legislature has noted the retirement of J. B. Neighbors as Principal of Autaugaville High School, ending a distinguished career in education that spans 38 years; and

WHEREAS, Mr. Neighbors holds the distinction of having the longest continued record of service by any male teacher in Autauga County today and possibly in the history of the system; and

WHEREAS, he served as vocational agricultural teacher from 1938 to 1949, then as head teacher of the Autauga County Veterans Agricultural Training Program from 1949 to 1957, as Attendance Supervisor for the county from 1957 to 1962 and was named Principal at Autaugaville High in 1962; and

WHEREAS, Mr. Neighbors has served on innumerable county, district and state Education Committees; and

WHEREAS, he is also a member of the Board of Directors of the Central Alabama Electric Co-op and the Citizens Bank, a member of the Autaugaville Baptist Church, the Autaugaville Lions Club and the Autaugaville Quarterback Club; and

WHEREAS, J. B. Neighbors, a native of Coosa County, is a graduate of Goodwater High, attended Auburn University from 1934 to 1938, and did his post-graduate work from 1938 to 1942; and

WHEREAS, he begins his retirement effective February 1, 1977; now therefore

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we do heartily congratulate Mr. Neighbors and commend him for his long, faithful and dedicated service in the field of education.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Mr. Neighbors in appreciation of his distinguished contribution to the citizens of Autauga County.

On motion of Mr. Plaster, the rules were suspended and the resolution, H. J. R. 95, was adopted.

Also:

By Mr. Plaster:

H. J. R. 96. MOURNING THE DEATH OF AUBREY S. BOONE.

WHEREAS, the legislature of Alabama regretfully has learned of the death of Aubrey S. Boone of Prattville, Alabama, who was born and reared in the White City Community of Autauga County, married the former Florence Qualls of Troy in 1941, and shortly thereafter began farming in the Prattville Community, continuing to do so until his death; and

WHEREAS, Aubrey Boone was an active and involved member of the First Baptist Church in Prattville, where he was a member of the Bon Ami Sunday School Class which he served as President; and

WHEREAS, he was also active in innumerable farm organizations including membership on the ASCS County Community for eighteen years, and was chairman for fifteen years, with the distinction of having served the longest tenure ever in this position; and

WHEREAS, Mr. Boone further served his fellow farmers and citizens of his community as president of the Autauga County Farm Bureau and director for twenty years, and as secretary-treasurer of the Autauga County Cattlemen's Association; and

WHEREAS, this body recognizes that Aubrey Boone was a man of ability and deeds who gave to his community, county and state a lifetime of devoted service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply mourn the death of Aubrey S. Boone and extend to his wife and family our most sincere sympathy in their great loss.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to his widow, Mrs. Florene Qualls Boone, Prattville, Alabama.

On motion of Mr. Plaster, the rules were suspended and the resolution, H. J. R. 96, was adopted.

BILLS ON THIRD READING

And the bill:

H. 578. Relating to Perry County; declaring guns, rifles, ammunition, other hunting equipment and motor vehicles, including motor boats or power boats, used in illegal nighttime deer hunting in the county to be contraband; and providing for the condemnation and sale thereof for the benefit of the state game and fish fund.

Which was postponed on the fifth legislative day, was taken up.

H. 578 INDEFINITELY POSTPONED

On motion of Mr. Pegues, the bill, H. 578, was indefinitely postponed.

And the bill:

H. 555. To prohibit the sale, the offering for sale or the use of steel leg-hold traps designed for capturing wild animals in any county having a population of not less than 50,000 nor more than 52,500 inhabitants according to the 1970 or any subsequent federal decennial census; and to prescribe penalties for violations.

Which was postponed on the sixth legislative day, was taken up.

H. 555 POSTPONED

On motion of Mr. Sparks, the bill, H. 555, was postponed to the eighth legislative day.

And the bill:

H. 602. Relating to Chambers County: to provide the Chambers County Commission with authority to employ appraisers, mappers, clerical personnel and other personnel to maintain current evaluation of all real property and valuation of personal property.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Buskey, Campbell, Carter, Cates, Clark, Crawford, Cross, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hilliard, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Kelley, Kennedy, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—67

And the bill:

H. 632. Relating to Tuscaloosa County; levying an excise and privilege tax on the severance of coal in said county; providing for the

collection, payment, and administration of such tax; and providing for the use of the proceeds of the tax.

Was taken up.

#### SUBSTITUTE OFFERED

Mr. Owens offered the following substitute to the bill, H. 632:

#### A BILL TO BE ENTITLED AN ACT

Relating to Tuscaloosa County; levying an excise and privilege tax on the severance of coal in said county; providing for the collection, payment, and administration of such tax; and providing for the use of the proceeds of the tax.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. When used in this act, unless the context plainly indicates otherwise, the following words and phrases shall have the meanings respectively ascribed to them by this section.

(a) "The Tax Board" means the Tuscaloosa County Special Tax Board.

(b) "Person" means any individual, firm, partnership, corporation, association, or any combination thereof.

(c) "Producer" means any person engaging in the business of severing coal from the soil within Tuscaloosa County.

(d) "Purchaser" means any person acquiring title, outright or conditionally, to any interest in severed coal.

(e) "Severing" means cutting, mining, stripping or otherwise taking or removing from the soil within the county.

(f) "Ton" means a short ton of 2,000 pounds.

(g) "Transporter" means any person transporting coal from the place where it is severed or from any other place to any other place, within or without Tuscaloosa County.

Section 2. Severance tax levied. There is hereby levied, in addition to all other taxes imposed by law, an excise and privilege tax on every person severing coal within Tuscaloosa County. The tax shall be paid to the tax board by every producer who severs coal within the county at the rate of 15 cents per ton of coal severed.

Section 3. Producer reports and payments. Every producer shall, within twenty (20) days after the end of each calendar month, whether or not he shall have actually severed any coal during that month, file with the tax board a report which shall set forth, in a form to be prescribed by the tax board, the amount of coal in tons, if any, severed by such producer during the next preceding calendar month; the point of severance thereof; the amount of tax due; and such other information as the tax board may reasonably require for the proper enforcement of the provisions of this act. The producer shall accompany such report with payment of the full amount of the tax shown to be due. The report shall be signed by the producer himself in the case of an individual producer, or by a member, officer, or manager of the producer in other cases.

Section 4. Purchaser and transporter reports. Purchasers and transporters of coal severed in the county shall file a report with the tax board, on forms prescribed by the tax board, within twenty (20) days after the end of each calendar month in which such purchaser or transporter purchased or transported coal severed in the county. The report shall state the names and addresses of all producers in the county from whom such purchaser or transporter has received coal during such calendar month; the total quality of coal so acquired; and, in the case of a transporter, to whom and where each ton of coal was delivered; and such other information as the tax board may reasonably require for the proper enforcement of the provisions of this act. The report shall be signed by the purchaser or transporter himself in the case of an individual purchaser or transporter, or by a member, officer, or manager of the purchaser or transporter in all other cases.

Section 5. The tax imposed by this act shall constitute a debt due the county and may be collected by civil suit, in addition to all other methods provided by law. The said tax, together with interest thereon, shall constitute and be secured by a lien upon the property of any person from whom said tax is due. All provisions of the revenue laws of this state which apply to the enforcement of liens for taxes due the county shall apply fully to the collection of the county tax levied herein, and the tax board for the use and benefit of the county shall collect such taxes and enforce this act and shall have and exercise for such collection and enforcement all rights and remedies that this county or the tax board has for collection of the state coal severance tax. The Tuscaloosa County Special Tax Board shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the tax levied by this act, and to otherwise enforce the provisions of the act, including any litigation involving the act; and the tax board shall pay such special counsel's fee, as it deems necessary and proper, from the proceeds of the taxes collected by it for the county.

Section 6. The Tuscaloosa County Special Tax Board shall charge the county for collecting the county tax levied herein, such amount or percentage of total collections as may be agreed upon by the tax board and the county governing body, but such charge shall not in any event exceed ten percent of the total amount of tax collected hereunder. Such charge for collecting the tax for the county may be deducted each month from the proceeds of the tax before certifying the amount thereof due the county for that month.

Section 7. The net proceeds of the tax levied pursuant to this act shall be distributed in the following manner. Two-thirds ( $\frac{2}{3}$ ) of the amount of tax paid on each ton of coal severed shall be used exclusively for the maintenance, repair, and construction of improved county roads in Tuscaloosa County. Such funds shall be maintained by the county governing body in a separate account and used solely for the purpose of maintenance, repair, and construction of improved county roads. The remaining one-third ( $\frac{1}{3}$ ) of the tax paid on each ton of coal severed shall be earmarked for the county general fund and may be spent in the same manner as other general fund money is spent. The Tax Board, on or before the tenth day of each month, shall pay over to the county governing body the net proceeds of said tax collected during the preceding month.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective October 1, 1977.

#### SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Brindley, Campbell, Carter, Cates, Crawford, Cross, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Holmes (A), Holmes (D), Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kinsey, Lee, Lewis, Lockett, Lutz, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Naramore, Plaster, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley, Williams and Wyatt.

—56

And the bill, H. 632 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 1.

Yeas:

Messrs.: Albright, Armstrong, Baker, Biddle, Brindley, Carter, Cates, Crawford, Cross, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kinsey, Lee, Lewis, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Naramore, Owens, Plaster, Porter, Reed, Shelton, Smith (B), Smith (J), Smith (M), Sparks, Starkey, Turnham, Venable, Waggoner, Whatley and Williams.

—54

Nay: Mr. Hilliard.

—1

And the bill:

H. 666. Relating to all counties having a population of not less than 57,000 nor more than 61,000 inhabitants according to the 1970 or any subsequent federal decennial census; providing for an additional expense allowance for the probate judge, tax assessor, tax collector, county commissioners and sheriff.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Buskey, Campbell, Carter, Cates, Crawford, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hilliard, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kinsey, Lee, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Merrill, Mitchem, Naramore,

REGULAR SESSION  
7th Day

393

Owens, Pegues, Plaster, Porter, Reed, Rich, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley, Williams and Wyatt.

—64

And the bill:

H. 668. Relating to any county having a population of not less than 57,000 nor more than 61,000 according to the 1970 or any subsequent federal decennial census; exempting all volunteer fire departments within any such county from the payment of all state, county and municipal sales and use taxes.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Campbell, Carter, Cates, Crawford, Cross, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hilliard, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—67

H. 657 TEMPORARILY POSTPONED

No objection being offered, the Speaker temporarily postponed the bill, H. 657.

And the bill:

H. 671. To provide the county commission in all counties having a population of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census, with authority to employ appraisers, mappers, and clerical personnel to maintain current evaluation of all real property and valuation of personal property within the county.

Was taken up.

H. 671 POSTPONED

On motion of Mr. Smith (J), the bill, H. 671, was postponed to the eighth legislative day.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Smith (C), the rules were suspended in order to take up out of order the bill, H. 316.

And the bill:

H. 316. To amend Title 52, Section 215(a4) relating to the determination of the number of teacher units allowed, so that the period for which average daily attendance is required is changed from the school year to the first five scholastic months of any school term.

Was taken up.

## AMENDMENT OFFERED

Mr. Smith (C) offered the following amendment to the bill, H. 316: Amend Section 3 of House Bill 316 to read as follows:

"Section 3. This Act shall become effective at the beginning of the 1976-77 school year."

## AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carter, Crawford, Cross, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hilliard, Holley, Holmes (A), Holmes (D), Hopping, Johnson, Jolly, Kelley, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Merrill, Mitchem, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Turnham, Waggoner, Whatley, White, Williams and Wyatt.

—70

## MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Mr. Manley offered the motion to reconsider the vote by which the amendment offered by Mr. Smith (C) to the bill, H. 316, was adopted, and the motion to reconsider was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Buskey, Campbell, Carothers, Carter, Cates, Crawford, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Hilliard, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Plaster, Porter, Quarles, Roberts, Sasser, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, White and Williams.

—67

## H. 316 POSTPONED

On motion of Mr. Smith (C), the bill, H. 316 as amended, was temporarily postponed.

And the bill:

H. 657. Relating to all counties having a population of not less than 56,500 nor more than 59,000 inhabitants according to 1970 or any subsequent federal decennial census; to further regulate the assessment and collection of ad valorem taxes on certain real properties in such counties which have been improved with a new residential structure constructed for re-sale or rental purposes.



Which previously was temporarily postponed, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Andrews, Baker, Biddle, Boles, Campbell, Carothers, Drake, Edwards, Folmar, Ford, Gafford, Glass, Greer, Harris, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lockett, Lutz, McCulley, McMillan, McNeas, Manley, Merrill, Mitchem, Moore (O), Pegues, Plaster, Quarles, Roberts, Robertson, Sasser, Smith (B), Smith (M), Starkey, Trammell, Turnham, Venable, Whatley, White and Williams.

—47

### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

### UNFINISHED BUSINESS

The House then proceeded with the consideration of the Unfinished Business:

And the bill:

H. 9. (With Substitute): To amend Section 9 of Act No. 182, S. 442 of the 1976 Regular Session, which act pertains to the commutation of time for certain prisoners for good behavior, so as to make its provisions applicable after the effective date of this act and to remove any retro-active applications.

Was taken up.

### SUBSTITUTE OFFERED

Mr. Gregg offered the following substitute to the bill, H. 9 and pending substitute:

### A BILL TO BE ENTITLED AN ACT

To provide a comprehensive Correctional Incentive Program based on incentive for good conduct and work performed in the general operation of the prison and in prison industrial, agricultural, educational and work-release programs or other bona fide rehabilitative programs; to establish definitive criteria for qualification; to establish definitions for classifications under which sentence reductions may be earned; to prescribe for the loss of correctional incentive sentence reductions; to provide limitation of sentence reductions; to provide for notification of inmates; to provide certain responsibilities of the Board of Corrections and the State Board of Pardons and Paroles; and to repeal specific and conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Upon becoming law this act shall be known as the Alabama Correctional Incentive Act.

Section 2. It is the intent of the Alabama Legislature that the provisions of this act shall be used solely to develop and encourage discipline and good work habits in inmates of the Alabama prison system and as a reward for an inmate's exceptional good conduct and good work habits there may be a reduction of his or her sentence.

Section 3. For the purposes of this act the following words and phrases, unless the context clearly requires a different meaning, shall have the meanings hereinafter ascribed to them:

"Good conduct" shall be defined as, but not limited to, the following:

An inmate who conforms to the regular, established waking and sleeping hours; and inmate who has shown a bona fide interest in rehabilitation programs, work programs, and other self-improvement programs; an inmate who exhibits and exercises respect for correctional officials and his fellow prisoners; an inmate who avoids identification and association with inmates or groups of inmates whose actions and intentions are contrary to regulations of the Board of Corrections; an inmate who maintains a positive behavior and good attitude; an inmate who maintains an exceptional living area, keeping that area cleaned, mopped, dusted, and neat; an inmate who maintains a clean, neat, personal appearance; an inmate who has not received a major or minor disciplinary within the preceding four months.

"Correctional incentive time" shall mean the number of days which an inmate sentenced to a state penitentiary may earn for good conduct or for working in certain prescribed programs or participating in educational programs or work-release programs as is herein provided. Such time shall be deducted from the inmate's sentence as prescribed herein.

"Correctional Incentive Release Date" shall mean the date on which an inmate shall be released from custody which shall be calculated by deducting from such inmate's sentence any correctional incentive time which such inmate has earned under this act and by deducting any good time earned under any former law as provided herein.

Section 4. Sentence reductions computed by the deduction of correctional incentive time earned under this act shall, in all cases be deducted from the end of the sentence. No inmate shall be assumed before the fact to earn any deductions as may be provided by this act.

Section 5. Where one or more cases run concurrently with a base case, the sentence with the longest time remaining will be used in determining the correctional incentive release date. Where two or more consecutive cases are involved, computation of the correctional incentive release date will be based on the aggregate sentence or the latest sentence, whichever results in the longer time remaining to be served. Under no circumstances may any inmate accumulate more than fifty percent sentence reduction under this law or any former laws as stated herein which may be repealed by this act. Sentence reductions which have been earned by inmates under former laws repealed by this act shall remain, but be limited to accumulation of time earned prior to the effective date of this act. In no case, however, shall the combined sentence reduction earned exceed 50 percent of the total sentence.

Section 6. The board of corrections shall establish a classification system consisting of the following classifications which shall be used for the purpose of calculating the amount of correctional incentive time which is earned by each inmate:

Classification 1. Inmates causing disruption in prison, those in segregation for reasons other than to provide for their protection and security, and those otherwise violating rules and regulations will earn no correctional incentive time. The commissioner of corrections shall keep written records regarding each inmate's conduct and shall specify the date the inmate is placed in or removed from Classification 1. Detailed information shall specify in what way an inmate has violated the rules and regulations causing him to be placed in this classification.

Classification 2. Those inmates who have maintained good conduct and have met the criteria established herein, but who are not participating in any work or education program, or work-release program, shall earn ten days correctional incentive time for every 30 days served. The commissioner of corrections shall keep written records indicating the date the inmate is placed in or removed from Classification 2. The commissioner shall certify and keep a cumulative record of the days earned while in this classification. Correctional incentive time in this classification shall be computed every 30 days.

Classification 3. Those inmates who have maintained good conduct and who have met the criteria established herein, and are performing meaningful work in the maintenance and operation of the prison, the state agricultural program, the prison industry program, or who are in educational programs, or other bona fide rehabilitative programs which offer stimuli for good conduct, shall earn one day correctional incentive time for every day served. The commissioner of corrections shall keep written records indicating the date the inmate is placed in or removed from Classification 3. Good conduct time in this classification shall be computed every 30 days.

Classification 4. Those inmates who have maintained good conduct and who have met the criteria established herein, and are on work release programs wherein a portion of their income of their labor benefits the state, shall receive one day of correctional incentive time reduction for each day served. The commissioner of corrections shall keep written records indicating the date the inmate is placed in or removed from this classification. Correctional incentive time shall be computed every 30 days.

Classification 5. Those inmates on parole who are receiving the benefits of their labor through financial gain and are otherwise enjoying their freedom and other benefits of parole shall earn ten days of good conduct time for every 30 days served. Correctional incentive time in this classification shall be computed every 30 days. When an inmate goes on parole the commissioner of corrections shall certify to the inmate and to the State Board of Pardons and Paroles the number of correctional incentive sentence reduction days the inmate has accumulated. While on parole it shall be the responsibility of the parole board to compute correctional incentive time. Parolees may lose correctional incentive time at the discretion of the parole board for violations of the rules and regulations while on parole.

Classification 6. Those inmates who have met criteria established herein, and who are handicapped by age, infirmity, or other physical limitations wherein such handicap is certified by the Prison Medical Department, shall be accorded sentence reductions up to the maximum as provided by Classification 3 provided, however, that these inmates indicate a desire and attitude to otherwise perform the duties as required by Classification 3.

The Board of Corrections shall classify all inmates within one of the six above listed classifications.

Section 7. The commissioner of corrections shall cause to be distributed to each inmate on a quarterly basis a written notice showing the accumulation of earned deductions from the end of their sentence. Such notice shall give the new adjusted correctional incentive release date.

Section 8. Inmates may lose correctional incentive sentence reductions for violations of rules and regulations or other deviation from qualification criteria while serving in the prison or on parole, but at no time may an inmate lose more correctional incentive time than he has earned up to the date of the infraction. It shall be the responsibility of the Board of Corrections to establish and publish to all inmates a fair, equitable, uniform procedure prescribing the circumstances under which an inmate may lose earned correctional incentive time.

Section 9. The commissioner of corrections shall keep a cumulative record, indicating, in chronological order, the correctional incentive time classification and days earned as specified in each classification.

Section 10. The State Board of Pardons and Paroles shall take into consideration the inmate's conduct and work habits and may consider this in determining eligibility for parole. However, this act, except as stated herein, shall in no way be construed to repeal or supersede or otherwise change Title 42, Code of Alabama, pertaining to the rules and regulations of the State Board of Pardons and Paroles.

Section 11. The Board of Corrections and the Board of Pardons and Paroles shall administer all the provisions of this act in an impartial basis without regard to race, creed, sex or national origin.

Section 12. The Board of Corrections shall have a minimum of 30 days in order to evaluate and classify any new inmate who is received after the effective date of this act.

Section 13. Nothing herein shall be interpreted to give any retroactive effect to this act.

Section 14. Act No. 535, S. 353 of the 1943 Regular Session (Acts of 1943, p. 508) and Act No. 182, S. 442 of the 1976 Regular Session (Acts of 1976, p. 76) and all other laws or parts of laws which conflict with the provisions of this act are hereby specifically repealed.

Section 15. The provisions of the act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 16. This act shall become effective 45 days after its passage and approval by the Governor, or upon its otherwise becoming a law.

#### MOTION TO POSTPONE

Mr. Harrison offered the motion to postpone further consideration of the bill, H. 9 and pending substitutes to the ninth legislative day.

#### SUBSTITUTE MOTION TABLED

On motion of Mr. Gregg, the substitute motion offered by Mr. Reed to postpone further consideration of the bill, H. 9 and pending substitutes to the eleventh legislative day, was tabled.

Yeas 47; Nays 19.

Yeas:

Messrs.: Albright, Andrews, Baker, Barron, Boles, Campbell, Carothers, Carter, Cates, Clark, Crawford, Cross, Gafford, Glass, Greer, Hall, Harris,

REGULAR SESSION  
7th Day

399

Hill, Holley, Holmes (D), Hopping, Howard, Jackson (F), Kinsey, Lee, Lutz, McMillan, McNees, Martin, Moore (O), Moore (W), Naramore, Plaster, Rich, Riddick, Roberts, Sandusky, Smith (J), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Whatley, White and Williams.

—47

*Nays:*

Messrs.: Armstrong, Buskey, Folmar, Harrison, Hilliard, Holmes (A), Jackson (R), Johnson, Johnstone, Kennedy, Killian, Lockett, McCluskey, Mitchem, Morris, Porter, Quarles, Reed and Smith (B).

—19

MESSAGE FROM THE SENATE

**Mr. Speaker:**

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 88. Relative to adjournment of the two Houses.

McDOWELL LEE,  
Secretary.

MESSAGE FROM THE SENATE

**Mr. Speaker:**

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 90. Relative to the report of the Committee to Study the Tax Structure of the State of Alabama and the Distribution of Tax Revenues.

McDOWELL LEE,  
Secretary.

H. 9 RESUMED

MOTION TO POSTPONE TABLED

The question was then on the motion offered by Mr. Harrison to postpone further consideration of the bill, H. 9 and pending substitutes, to the ninth legislative day, and on motion of Mr. Gregg, the motion to postpone was tabled.

Yeas 51; Nays 22.

*Yeas:*

Messrs.: Albright, Andrews, Baker, Barron, Brindley, Campbell, Carothers, Carter, Cates, Clark, Crawford, Cross, Ford, Gafford, Glass, Greer, Gregg, Hall, Harris, Hill, Holley, Holmes (D), Hopping, Jackson (F), Johnson, Kinsey, Lee, Lutz, McMillan, Martin, Mitchem, Moore (O), Moore (W), Naramore, Plaster, Rich, Riddick, Roberts, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Whatley, White, Williams and Wyatt.

—51

*Nays:*

Messrs.: Armstrong, Buskey, Falkenburg, Folmar, Harrison, Hilliard, Holmes (A), Howard, Jackson (R), Johnstone, Kennedy, Killian, Leonard, Lockett, McCluskey, McNair, McNees, Morris, Porter, Quarles, Reed and Tucker.

—22

## SUBSTITUTE ADOPTED

The question was then on the substitute offered by Mr. Gregg to the bill, H. 9 with pending substitute, and the substitute was adopted.

Yeas 73; Nays 10.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Holley, Holmes (D), Hopping, Howard, Johnson, Kelley, Kinsey, Lee, Leonard, Lutz, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Trammell, Turnham, Venable, Warren, White, Williams and Wyatt.

—73

*Nays:*

Messrs.: Buskey, Folmar, Harrison, Hilliard, Jackson (R), Johnstone, Kennedy, Lockett, McNees and Tucker.

—10

## MOTION TO POSTPONE TABLED

On motion of Mr. Gregg, the motion offered by Mr. Morris to postpone the bill, H. 9 as amended, to the eighth legislative day, was tabled.

Yeas 44; Nays 31.

*Yeas:*

Messrs.: Albright, Andrews, Baker, Barron, Brindley, Campbell, Carothers, Carter, Crawford, Dial, Ford, Glass, Greer, Gregg, Hall, Harris, Hill, Holley, Holmes (D), Hopping, Jackson (F), Johnson, Jolly, Lee, Lutz, Martin, Merrill, Moore (O), Moore (W), Naramore, Pegues, Quarles, Rich, Riddick, Sandusky, Shelton, Smith (B), Sonnier, Sparks, Taylor, Venable, White, Williams and Wyatt.

—44

*Nays:*

Messrs.: Armstrong, Buskey, Clark, Cross, Drake, Falkenburg, Folmar, Gafford, Harrison, Hilliard, Howard, Jackson (R), Johnstone, Kennedy, Killian, Kinsey, Leonard, Lockett, McCluskey, McMillan, McNair, McNees, Manley, Morris, Plaster, Porter, Reed, Robertson, Sasser, Smith (J), and Tucker.

—31

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 75. Honoring and congratulating Coach Joe Jones of Decatur, Alabama.

Also:

H. J. R. 76. Honoring Rutledge S. Thomas for notable service during his twenty-two years as City Councilman for the City of Decatur.

REGULAR SESSION  
7th Day

401

Also:

H. J. R. 77. Honoring Miss Florence E. Adams for meritorious service to the City of Decatur.

Also:

H. J. R. 78. Honoring Leon Nelson for outstanding service to Morgan County.

Also:

H. J. R. 79. Honoring Rubert W. Abercrombie for twelve years of invaluable service in the office of County Commissioner, Morgan County.

Also:

H. J. R. 80. Congratulating and commending McIntosh Academy for reaching the finals of the State Championship for Private Schools.

Also:

H. J. R. 81. Commending McIntosh Union High School for their competition in the State Class 2A Play Offs.

Also:

H. J. R. 94. Commending Milton A. Wendland upon being named the National "Cotton Farmer of the Year."

Also:

H. J. R. 95. Honoring J. B. Neighbors upon his retirement.

Also:

H. J. R. 96. Mourning the death of Aubrey S. Boone.

McDOWELL LEE,  
Secretary.

MOTION TO ADJOURN LOST

The motion offered by Mr. Folmar that the House adjourn until 10:00 o'clock a.m., Thursday, February 24, 1977, was lost.

Yeas 14; Nays 62.

Yeas:

Messrs.: Buskey, Cross, Drake, Folmar, Goodwin, Hilliard, Hopping, Kennedy, Lee, Plaster, Porter, Robertson, Shelton and Williams.

—14

Nays:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Cooper, Dial, Falkenburg, Ford, Glass, Greer, Gregg, Hall, Harris, Hill, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Killian, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Merrill, Moore (W), Naramore, Pegues, Quarles, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Tucker, Turnham, Venable, Waggoner, Wyatt and Shoemaker.

—62

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 252. To amend Section 1 of Act No. 441, H. 916, 1976 Regular Session (Acts 1976, p. 542) entitled "An Act Relating to counties having populations of not less than 34,000 nor more than 34,800 according to the most recent federal decennial census; to provide an additional expense allowance for members of the governing body of any such county payable out of county funds," so as to change the amount of the additional expense allowance and to make the provisions of the Act retroactive.

Also:

H. 51. To amend Section 1 of Act No. 165, H. 130, 1971 Special Session (Acts of 1971, p. 4413), entitled, "An Act Relating to counties having a population of not less than 10,900 nor more than 11,500 according to the most recent federal decennial census; to provide for the payment of a clerk hire allowance in the Probate Judge's office of such counties," so as to increase the amount of such allowance; to provide that such allowance shall be paid from any available county funds and to provide that the provisions of this act shall be retroactive to January 17, 1977.

Also:

H. 52. To provide an expense allowance for the coroner and to authorize the coroner to appoint a deputy coroner in all counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the 1970 or any subsequent federal decennial census.

Also:

H. 135. Relating to Clay County; to change the method of compensating the judge of probate, the tax assessor, the tax collector, the clerk of the circuit court and the register of the circuit court; and to fix the compensation for each of such officers, subject to the ratification of a constitutional amendment.

Also:

H. 372. Relating to counties having a population of not less than 95,000 nor more than 115,000 inhabitants according to the 1970 or any subsequent federal decennial census; further amending Section 1 of Act No. 460, H. 516 of the 1967 Regular Session (Acts 1967, p. 1151), as amended, which act regulates the operation of food stores subject to the Sunday closing statutes and provides certain exemptions thereto, so as to prohibit the operation of such stores with more than five employees.

McDOWELL LEE,  
Secretary.

## MOTION TO RECOMMIT TABLED

On motion of Mr. Gregg, the motion offered by Mr. Crowe to recommit the bill, H. 9 as amended, to the Standing Committee on State Administration was tabled.

Yeas 41; Nays 37.

Yeas:

Messrs.: Albright, Andrews, Baker, Barron, Campbell, Carothers, Carter, Cross, Dial, Ford, Glass, Greer, Gregg, Hall, Hill, Holley, Holmes (D),



Hopping, Howard, Jolly, Lee, Leonard, Lutz, Martin, Mitchem, Moore (W), Pegues, Quarles, Rich, Riddick, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Turnham, Williams and Wyatt.

—41

*Nays:*

Messrs.: Armstrong, Boles, Buskey, Cates, Clark, Crowe, Drake, Falkenburg, Folmar, Harrison, Hilliard, Holmes (A), Jackson (F), Jackson (R), Johnson, Johnstone, Kennedy, Killian, Kinsey, Lewis, Lockett, McCluskey, McMillan, McNeese, Manley, Merrill, Morris, Plaster, Porter, Reed, Roberts, Sandusky, Shelton, Tucker, Venable, Waggoner and Whatley.

—37

### UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Holmes (D) and Hill added as co-sponsors to the bill, H. 9.

### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 51. To amend Section 1 of Act No. 165, H. 130, 1971 Special Session (Acts of 1971, p. 4413), entitled, "An Act Relating to counties having a population of not less than 10,900 nor more than 11,500 according to the most recent federal decennial census; to provide for the payment of a clerk hire allowance in the Probate Judge's office of such counties," so as to increase the amount of such allowance; to provide that such allowance shall be paid from any available county funds and to provide that the provisions of this act shall be retroactive to January 17, 1977.

Also:

H. 52. To provide an expense allowance for the coroner and to authorize the coroner to appoint a deputy coroner in all counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the 1970 or any subsequent federal decennial census.

Also:

H. 135. Relating to Clay County; to change the method of compensating the judge of probate, the tax assessor, the tax collector, the clerk of the circuit court and the register of the circuit court; and to fix the compensation for each of such officers, subject to the ratification of a constitutional amendment.

Also:

H. 252. To amend Section 1 of Act No. 441, H. 916, 1976 Regular Session (Acts 1976, p. 542) entitled "An Act Relating to counties having populations of not less than 34,000 nor more than 34,800 according to the most recent federal decennial census; to provide an additional expense allowance for members of the governing body of any such county payable out of county funds," so as to change the amount of the additional expense allowance and to make the provisions of the Act retroactive.

Also:

H. 372. Relating to counties having a population of not less than 95,000 nor more than 115,000 inhabitants according to the 1970 or any subsequent federal decennial census; further amending Section 1 of Act No. 460, H. 516 of the 1967 Regular Session (Acts 1967, p. 1151), as amended, which act regulates the operation of food stores subject to the Sunday closing statutes and provides certain exemptions thereto, so as to prohibit the operation of such stores with more than five employees.

And finds same correctly enrolled.

TOM DRAKE,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 88. Relative to Adjournment.

Also:

H. J. R. 90. Relative to the Printing and Distribution of the Report of the Interim Committee to Study the Tax Structure of the State of Alabama

And finds same correctly enrolled.

TOM DRAKE,  
Chairman.

#### SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### MOTION TO POSTPONE

Mr. Holmes (A) offered the motion to postpone further consideration of the bill, H. 9 as amended, to the ninth legislative day.

#### SUBSTITUTE MOTION ADOPTED

The substitute motion offered by Mr. Gregg that the bill, H. 9 as amended, be temporarily postponed without losing its place on the Calendar was adopted.

Yeas 81; Nays 4.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe,

REGULAR SESSION  
7th Day

405

Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hines, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kinsey, Lee, Leonard, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—81

Nays: Messrs.: Armstrong, Jackson (R), Killian and Morris.

—4

RESOLUTION

The resolution:

H. J. R. 84. DESIGNATING THAT PORTION OF INTERSTATE 59 WITHIN THE CITY OF TUSCALOOSA, ALABAMA, "THE LURLEEN BURNS WALLACE EXPRESSWAY" AND DIRECTING THE ALABAMA HIGHWAY DEPARTMENT TO SEEK THE APPROVAL OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION FOR THE ERECTION OF APPROPRIATE MARKERS THEREFOR.

Which was postponed on the seventh legislative day, was taken up.

AMENDMENT OFFERED

Mr. Johnson offered the following amendment No. 1 to the resolution, H. J. R. 84:

Amend H. J. R. 84 on page 1, lines 9 & 10 by striking the words, WITHIN THE CITY OF TUSCALOOSA, and inserting in lieu thereof, after the number 59 the following:

in

AMENDMENT ADOPTED

And the amendment was adopted.

AMENDMENT OFFERED

Mr. Johnson offered the following amendment No. 2 to the resolution, H. J. R. 84 as amended:

Amend HJR 84, on page 2, lines 21, 22, 23, 24 by inserting the following: "That this body does hereby designate Interstate 59 in Alabama, The Lurleen Burns Wallace Expressway."

AMENDMENT ADOPTED

And the amendment was adopted.

AMENDMENT OFFERED

Mr. Johnson offered the following amendment No. 3 to the resolution, H. J. R. 84:

Amend HJR 84, on page 2, lines 25-31 to read as follows: "BE IT FURTHER RESOLVED, That the Alabama Highway Department is hereby directed to seek approval from the Federal Bureau of Roads and the United States Department of Transportation to erect and maintain appropriate signs and markers along Interstate 59 in Alabama, and further, to erect such signs and markers upon obtaining approval therefor."

## AMENDMENT ADOPTED

And the amendment was adopted.

On motion of Mr. Gafford, the resolution, H. J. R. 84:

DESIGNATING THAT PORTION OF INTERSTATE 59 IN ALABAMA, "THE LURLEEN BURNS WALLACE EXPRESSWAY" AND DIRECTING THE ALABAMA HIGHWAY DEPARTMENT TO SEEK THE APPROVAL OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION FOR THE ERECTION OF APPROPRIATE MARKERS THEREFOR.

As thus amended, was adopted.

## UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Johnson added as co-sponsor to the resolution, H. J. R. 84.

## BILLS ON THIRD READING RESUMED

And the bill:

H. 94. To amend Section 68, Title 36, Code of Alabama 1940, which relates to the cancellation, suspension and revocation of a driver's license or driving privilege, so as to regulate further conditions prerequisite to the mandatory revocation of a driver's license or driving privilege upon conviction for driving while intoxicated or while an habitual user of narcotic drugs.

Which was postponed as amended on the third legislative day, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 25.

*Yeas:*

Mr. Speaker, Armstrong, Baker, Biddle, Bole, Brindley, Campbell, Carter, Cates, Coburn, Cooper, Cross, Crowe, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Hill, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kinsey, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Mitchem, Moore (O), Moore (W), Naramore, Porter, Rich, Roberts, Robertson, Shelton, Smith (B), Smith (J), Sonnier, Sparks, Starkey, Taylor, Waggoner, Warren, Whatley and White.

—56

*Nays:*

Messrs.: Andrews, Barron, Buskey, Carothers, Dial, Edwards, Greer, Hall, Harris, Harrison, Hilliard, Holley, Kennedy, Leonard, Merrill, Owens, Pegues, Plaster, Quarles, Riddick, Sasser, Tucker, Venable, Williams and Wyatt.

—25

And the bill:

H. 326. (With Substitute): To amend Section 33, Act 100 Second Special Session 1959, to exempt food purchased for human consumption that will be prepared and consumed off premises.

Which was postponed on the fourth legislative day, was taken up.

REGULAR SESSION  
7th Day

407

H. 326 POSTPONED

On motion of Mr. McCorquodale, the bill, H. 326 with pending substitute, was postponed to the eighth legislative day.

MOTION TO POSTPONE BILLS LOST

The motion offered by Mr. Killian to postpone all bills up to the bill, H. 93, was lost.

Yeas 21; Nays 45.

*Yeas:*

Messrs.: Clark, Cooper, Dial, Hines, Hopping, Kelley, Killian, Lutz, McCulley, Manley, Martin, Mitchem, Moore (W), Pegues, Quarles, Rich, Roberts, Sasser, Smith (J), Starkey and Williams.

—21

*Nays:*

Mr. Speaker, Andrews, Armstrong, Barron, Biddle, Carothers, Cates, Coburn, Cross, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Hall, Harrison, Hill, Hilliard, Holley, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kennedy, Leonard, Lewis, McCluskey, McMillan, McNair, McNees, Merrill, Moore (O), Plaster, Riddick, Smith (B), Sparks, Trammell, Tucker, Venable, Waggoner, Whatley, White and Wyatt.

—45

BILLS ON THIRD READING RESUMED

And the bill:

H. 33. Relating to certain positions in the State Department of Revenue, providing that the salaries to be paid to such positions shall be the same as that paid to the positions of Attorney III Supervisor.

Which was postponed on the fourth legislative day, was taken up.

MOTION TO POSTPONE TABLED

On motion of Mr. Gafford, the motion offered by Mr. Greer to postpone the bill, H. 33, to the thirtieth legislative day, was tabled.

Yeas 39; Nays 30.

*Yeas:*

Mr. Speaker, Armstrong, Baker, Biddle, Carothers, Carter, Clark, Coburn, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Harris, Hines, Johnstone, Kelley, McCluskey, McMillan, McNees, Martin, Merrill, Moore (O), Owens, Reed, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (J), Sonnier, Sparks, Starkey, Venable, Waggoner, Warren and White.

—39

*Nays:*

Messrs.: Andrews, Campbell, Cates, Dial, Edwards, Ford, Greer, Gregg, Hall, Harrison, Hill, Hilliard, Holley, Holmes (D), Jackson (F), Jackson (R), Johnson, Jolly, Lee, Leonard, Lewis, Lockett, McNair, Porter, Quarles, Rich, Riddick, Smith (B), Taylor and Tucker.

—30

## H. 33 INDEFINITELY POSTPONED

On motion of Mr. Campbell, the bill, H. 33, was indefinitely postponed.

Yeas 37; Nays 36.

*Yeas:*

Messrs.: Albright, Andrews, Buskey, Campbell, Dial, Edwards, Ford, Greer, Hall, Harrison, Hill, Hilliard, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Jolly, Kennedy, Lee, Leonard, Lewis, Lockett, McNair, Porter, Quarles, Rich, Riddick, Smith (B), Taylor, Trammell, Tucker, Whatley, Williams and Wyatt.

—37

*Nays:*

Mr. Speaker, Armstrong, Baker, Biddle, Boles, Carothers, Clark, Coburn, Cross, Falkenburg, Folmar, Gafford, Glass, Goodwin, Harris, Hines, Jackson (F), Johnstone, McCluskey, McMillan, Manley, Martin, Merrill, Moore, (O), Naramore, Owens, Reed, Roberts, Sasser, Shelton, Sparks, Turnham, Venable, Waggoner, Warren and White.

—36

## ADJOURNMENT

On motion of Mr. Lutz and pursuant to the resolution, H. R. 87 heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, February 24, 1977.

Yeas 48; Nays 41.

*Yeas:*

Messrs.: Albright, Andrews, Baker, Boles, Brindley, Buskey, Cates, Clark, Cooper, Dial, Edwards, Folmar, Ford, Goodwin, Harris, Harrison, Holley, Holmes (A), Hopping, Johnson, Jolly, Kelley, Kennedy, Lee, Lewis, Lutz, McNair, McNeas, Manley, Merrill, Moore (W), Morris, Pegues, Porter, Quarles, Reed, Rich, Roberts, Sasser, Shelton, Smith (J), Sparks, Starkey, Taylor, Trammell, Tucker, Turnham and Williams.

—48

*Nays:*

Mr. Speaker, Armstrong, Barron, Biddle, Campbell, Carothers, Coburn, Cross, Falkenburg, Gafford, Greer, Hall, Hill, Hilliard, Holmes (D), Howard, Jackson (F), Jackson (R), Johnstone, Killian, Leonard, Lockett, McCluskey, McCulley, McMillan, Martin, Mitchell, Moore (O), Owens, Riddick, Smith (B), Smith (C), Smith (M), Sonnier, Venable, Waggoner, Warren, Whatley, White, Wyatt and Shoemaker.

—41

## EIGHTH DAY

House of Representatives  
Montgomery, Alabama  
Thursday, February 24, 1977

The House met pursuant to adjournment.

## PRAYER

The session was opened with prayer by the Reverend Wayne Crumpton, The Green Valley Baptist Church, Hoover, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—100

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the seventh legislative day and finds the same to be correct.

TOM DRAKE,  
Chairman.

On motion of Mr. Manley, the reading at length of the Journal of the House for the seventh legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the seventh legislative day was approved.

NOTICE IN WRITING FILED

Mr. Gafford filed the following Notice in Writing:

Notice is hereby given that on the next legislative day I will make a motion to amend House Rule 4. (8) by adding after the word "order" the following:

"except by vote of a majority of a quorum of the House membership,"

LEAVES OF ABSENCE

At the request of Mr. Sandusky, leave of absence was granted for Mr. Callahan, due to illness in the family.

At the request of Mr. McNees, leave of absence was granted for Mr. Weeks, due to illness.

At the request of Mr. Sandusky, leave of absence was granted for Mr. Cooper due to illness.

BILLS ON SECOND READING

Mr. Smith (J), Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favor-

able report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 312. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to local government and home rule; amending and superseding specifically Sections 38, 39, 40, 41, 89, 220 and 228 and Amendments No. 81, 132, 140, 142, 144 and 184 of the Constitution of Alabama of 1901, as amended; and repealing and superseding all other conflicting provisions of said constitution and amendments thereto, providing for a two year delay in the effective date of the proposed amendment.

The above bill was read a second time at length as required by the Constitution.

H. 253. To amend further Act No. 663, S. 132, of the Regular Session of 1961 (Acts of Alabama 1961, p. 827), as amended, which provides for and regulates general and special elections in cities and towns of this state having populations of 300,000 or less, except cities and towns which have a commission form of government, so as to reduce the time between the regular elections and run-off elections.

Mr. Smith (J), Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 333. (With Substitute): To provide for holding a convention to revise and amend the Constitution of this state.

Mr. Cates, Chairman of the Standing Committee on Military Affairs, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 656. To amend Code of Alabama, 1940, Title 35 Section 187, relating to the corporate body of the Armory Commission, so as to extend the succession of its corporate name from thirty years to as long as there exists in the state of Alabama a National Guard or Militia of Alabama.

H. 669. To name the new National Guard Armory in Gunter-ville, Alabama, "The Robert M. Kelley, Jr. National Guard Armory."

H. 765. To amend the title and Sections 2, 59 and 61 of Act No. 1038, H. 1005, 1973 Regular Session (Acts of 1973, p. 1572; now appearing in Code of Alabama, Recompiled 1958, Title 35 §§ 185(1)-185(134) entitled, "An Act To create a uniform military code by rewriting Sections 1-185 and Sections 203-349 of Title 35, Code of Alabama and amendments thereto, to provide for the Alabama National Guard and naval militia and to provide for the Alabama State Guard; to provide for the training, regulation, maintenance and appropriations therefor; to establish the state military department and office of the Adjutant General and to prescribe the duties, authority, and power of such department and office; to establish a uniform code of military justice and to provide other authority incidental to the proper establishment and maintenance of the Alabama National Guard, naval militia, and the Alabama State Guard;" so as to establish the term of office for general officers and to provide for their appointment and removal; to provide that the adjutant general and deputy adjutant general shall be full time employees of the state and shall hold no other position of employment.



Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 403. Relating to any county having a population of not less than 16,600 nor more than 16,950 according to the 1970 or any subsequent federal decennial census; providing an expense allowance for the sheriff in any such county.

H. 617. To provide for the compensation of the chairman and members of the Waterworks Boards of any city having a population of not less than 18,250 nor more than 19,250 inhabitants according to the most recent or any subsequent federal decennial census; and to make the provisions of this act retroactive to October 1, 1976.

H. 685. Relating to counties with populations of not less than 16,600 nor more than 16,950, authorizing and directing the State Highway Department to maintain all county roads which serve as rural mail or school bus routes.

H. 534. Proposing an amendment to the Constitution of Alabama relating to placing the probate judge, the tax assessor, and the tax collector of Sumter County on a salary basis of compensation.

The above bill was read a second time at length as required by the Constitution.

H. 707. To amend further Act No. 1590, S. 415, 1971 Regular Session (1971 Acts, p. 2717), which provides for establishing and enforcing rules and regulations for training, licensing and related requirements for ambulance operators, attendants, and drivers and rules and regulations for the operations, design, equipment and inspection and licensing of ambulances, and which prescribes penalties for violation of such rules and regulations and exempts certain volunteer rescue squads from the provisions of the Act, so as to delete Sumter County from provisions of this Act exempting Marengo and Sumter Counties from certain provisions of the Act and granting the county governing bodies of such counties certain regulatory powers relative to ambulances, ambulance attendants and ambulance drivers, for such purposes amending the title and Section 6 of such Act.

H. 742. Relating to Morgan County and to enable Morgan County to make contributions and to provide for liability insurance, to volunteer rural fire departments organized according to law in Morgan County, Alabama and to provide life and accident insurance to the members of such organizations.

H. 743. Relating to Morgan County; to direct the judge of probate to transfer all records and lists in his custody relating to electors and voting to the board of registrars of Morgan County and to direct the board of registrars to supply to the probate judge from time to time such transferred information as may be necessary to the fulfillment of his lawful duties; and to repeal conflicting laws.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 744. (With Amendment): To amend Section 2 of Act No. 908, H. 1692, Regular Session 1971 (Acts 1971, p. 1672), which act provides for a contingent fund for certain counties classified on a population basis, so as to provide certain traveling expenses to county officials.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 782. Relating to Cleburne County; to change the method of compensating the judge of probate, the tax assessor, and the tax collector; to fix the compensation of each of such officers; and to make the act retroactive as to the judge of probate.

REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 75. HONORING AND CONGRATULATING COACH JOE JONES OF DECATUR, ALABAMA.

Also:

H. J. R. 76. HONORING RUTLEDGE S. THOMAS FOR NOTABLE SERVICE DURING HIS TWENTY-TWO YEARS AS CITY COUNCILMAN FOR THE CITY OF DECATUR.

Also:

H. J. R. 77. HONORING MISS FLORENCE E. ADAMS FOR MERITORIOUS SERVICE TO THE CITY OF DECATUR.

Also:

H. J. R. 78. HONORING LEON NELSON FOR OUTSTANDING SERVICE TO MORGAN COUNTY.

Also:

H. J. R. 79. HONORING RUBERT W. ABERCROMBIE FOR TWELVE YEARS OF INVALUABLE SERVICE IN THE OFFICE OF COUNTY COMMISSIONER, MORGAN COUNTY.

Also:

H. J. R. 80. CONGRATULATING AND COMMENDING MCINTOSH ACADEMY FOR REACHING THE FINALS OF THE STATE CHAMPIONSHIP FOR PRIVATE SCHOOLS.

Also:

H. J. R. 81. COMMENDING MCINTOSH UNION HIGH SCHOOL FOR THEIR COMPETITION IN THE STATE CLASS 2A PLAY OFFS.

Also:

H. J. R. 94. COMMENDING MILTON A. WENDLAND UPON BEING NAMED THE NATIONAL "COTTON FARMER OF THE YEAR."

Also:

H. J. R. 95. HONORING J. B. NEIGHBORS UPON HIS RETIREMENT.

Also:

H. J. R. 96. MOURNING THE DEATH OF AUBREY S. BOONE.  
And finds same correctly enrolled.

TOM DRAKE,  
Chairman.

#### SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### NOTICE IN WRITING FILED

Mr. Whatley filed the following Notice in Writing:

Having voted with the prevailing side on House Bill 33 on the last legislative day, I move that the vote by which said bill was indefinitely postponed, be now reconsidered.

#### RESOLUTIONS

The following resolutions were introduced:

By Mr. Holmes (D):

H. J. R. 97. COMMENDING THE OXFORD HIGH SCHOOL GIRLS GYMNASTICS TEAM FOR THEIR AWARD WINNING PERFORMANCE IN STATEWIDE COMPETITION.

WHEREAS, the Oxford High School girls gymnastics team participated at Erwin High School in Birmingham, Alabama, February 5, 1977, in the State Novice Gymnastics competition and was awarded the State Championship, capturing top honors with an impressive total of 72.65 points; and

WHEREAS, individually, first place honors were awarded to Susie Tolton, Melanie English and Darla Morrison; second place awards to Joy Brown and Darla Morrison; third place ribbons to Donnette Higgins, Susie Tolton and Missy Coffman; and fourth place honors to Donnette Higgins and Stacy Russell; and

WHEREAS, the entire gymnastics team, performing with precision, achieved this singular honor under the able direction of gymnastics coach Linda Barnett, who also coaches the girl's track and volleyball team in addition to teaching Physical Education at Oxford High School; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly commend and heartily congratulate the Oxford High School gymnasts on their spectacular performance in capturing the State Championship in the State Novice Gymnastics Competition, bringing honor not only to themselves, but to their coach, to their school and to their community.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for presentation to Coach Linda Barnett on behalf of Oxford High School and to team members Lynn Allgood, Joy Brown, Missy Coffman, Marilyn Culbertson, Jill Curry, Melanie English, Donnette Higgins, Beth Hurst, Darla Morrison, Stacy Russell and Susie Tolton.

On motion of Mr. Holmes (D), the rules were suspended and the resolution, H. J. R. 97, was adopted.

Also:

By Mr. Holmes (D):

H. J. R. 98. COMMENDING THE WEAVER HIGH SCHOOL MARCHING BAND FOR HONORS PARTICIPATION IN NEW ORLEANS' MARDI GRAS.

WHEREAS, the Legislature of Alabama has noted that the Weaver High School Marching Band first attended and participated in New Orleans' Mardi Gras band competition in 1975 and took fourth place honors, and in 1976 won second place; and

WHEREAS, for the third consecutive year, this outstanding marching band has achieved distinction by winning third place honors in the Krewe of Mid-City Parade Greatest Bands in Dixie Contest, winning a trophy, individual medals and an awards certificate for its performance; and

WHEREAS, Bill Veazey, Band Director at Weaver High School for eight years, was also awarded a plaque as director of this 132-member group which was in competition with 16 other groups from around the Southeast, participation by invitation only; and

WHEREAS, the band members not only spend many long hours in practice and preparation for this event, but also financed the four-day trip through money-making projects; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly commend the Weaver High School Marching Band for their many prior outstanding awards and for honors received again this year in competition in New Orleans.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for presentation to Mr. Huey Brown, Principal of Weaver High School, and to Band Director, Bill Veazey.

On motion of Mr. Holmes (D), the rules were suspended and the resolution, H. J. R. 98, was adopted.

Also:

By Mr. Holmes (D):

H. J. R. 99. CONGRATULATING CHERYL BURGESS, "MISS ALABAMA UNIVERSE."

WHEREAS, Miss Cheryl Burgess of Alexandria was named "Miss Alabama Universe" February 12, 1977, in Huntsville, Alabama, and will represent our state at the Miss USA Pageant in Charleston, South Carolina in May, which winner will represent the United States in the Miss Universe Pageant later this year; and

WHEREAS, Miss Burgess, who received a one-year scholarship to Jacksonville State University where she is a freshman majoring in busi-

ness administration, and a three-month scholarship to the University of Alabama in Huntsville, also currently reigns as "Miss Talladega 500" and "Miss Alabama Hemisphere"; and

WHEREAS, we believe this charming young lady of outstanding beauty, charm and talents will most ably represent and bring credit to our state in the forthcoming competition for the title of "Miss USA" in Charleston; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we enthusiastically congratulate Cheryl Burgess, "Miss Alabama Universe" and wish her success in further competition as beauty ambassador from her state.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Miss Burgess and to her proud parents, Mr. and Mrs. Charles Burgess of Alexandria.

On motion of Mr. Holmes (D), the rules were suspended and the resolution, H. J. R. 99, was adopted.

Also:

By Mr. Holmes (D):

H. J. R. 100. COMMENDING WALTER WELLBORN HIGH SCHOOL PANTHERS FOOTBALL TEAM.

WHEREAS, The Walter Wellborn High School Panthers Football Team won the Alabama High School Area 11 and Region 6 Championship in Class AAA; and

WHEREAS, the Walter Wellborn High School Panthers Football Team worked diligently, long and hard to achieve these fine goals; and

WHEREAS, Coach Johnny Ingram and his assistant coaches are due much credit not only for the high degree of skillful instruction displayed in team play but also for the fine spirit displayed throughout the season; and

WHEREAS, the school spirit enthusiastically led by the cheerleaders was outstanding, as was the sportmanship of the team and its supporters during the state playoffs; and

WHEREAS, the "Panthers Are Back," providing great football entertainment and reminding everyone that truly there is nothing like a "Panther on Friday Night"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Walter Wellborn High School Panthers for their outstanding record.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for presentation to Wellborn High School and to the Wellborn Athletic Association.

On motion of Mr. Holmes (D), the rules were suspended and the resolution, H. J. R. 100, was adopted.

Also:

By Mr. Hilliard:

H. R. 101. COMMENDING LEMORIE "TONY" CARTER FOR OUTSTANDING CITIZENSHIP.

WHEREAS, Lemorie "Tony" Carter has actively served his city, state and county in the social service area; and

WHEREAS, Lemorie "Tony" Carter has been designated as the outstanding Board member of the Birmingham Urban League in 1975; Insurance Man of the Year 1972-1975; Omicron Lambda Chapter, Alpha Phi Alpha Fraternity—Alpha Man of the Year 1976; and

WHEREAS, Lemorie "Tony" Carter was the first to receive the National Gilbert Fitzhugh Community Service Award 1974; received the Omicron Lambda Alpha, Phi Alpha Achievement Award 1975; Recipient of the National Sales Achievement Award from the National Association of Life Underwriters 1975 and 1976; and

WHEREAS, Lemorie "Tony" Carter has served on the Board of Directors of the Birmingham Urban League, the Steering Committee for the Sickie Cell Anemia Foundation; and the Boys Scouts of America; and

WHEREAS, Lemorie "Tony" Carter has sponsored trips for underprivileged children and is actively involved with the education and social welfare of mentally retarded children at the McDonald School of Special Education.

NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, that we heartily commend Lemorie "Tony" Carter on being cited for "outstanding citizenship".

RESOLVED FURTHER, that Lemorie "Tony" Carter received a copy of this resolution.

On motion of Mr. Hilliard, the rules were suspended and the resolution, H. R. 101, was adopted.

Also:

By Mr. Hilliard:

H. R. 102. Commending Hattie Brook Jackson upon being cited for outstanding citizenship in civic, religious and community affairs.

WHEREAS, Hattie Brook Jackson has been a distinguished teacher at Antioch Baptist Church for more than forty years; and

WHEREAS, Hattie Brook Jackson has long been involved in civic, religious, and community affairs in this state; and

WHEREAS, Hattie Brook Jackson has taught, counseled, and aided many youths in their growth and development into good citizens; and

WHEREAS, Hattie Brook Jackson has through her teachings guided, motivated and directed her students to strive for excellence in religious and citizenship; and

WHEREAS, Hattie Brook Jackson has been cited by Antioch Baptist Church for outstanding citizenship in religious and community affairs;

NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we heartily commend Hattie Brook Jackson on being cited for "outstanding citizenship".

RESOLVED FURTHER, That Hattie Brook Jackson receive a copy of this resolution.

On motion of Mr. Hilliard, the rules were suspended and the resolution, H. R. 102, was adopted.

### INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Messrs. Johnson, Taylor and Robertson:

H. 805. Amending Sections 191, 204, and 207, Title 26, Code of Alabama 1940 (Recompiled 1958) and repealing Sections 202 and 203, Title 26, Code of Alabama 1940 (Recompiled 1958) relating to Unemployment Compensation so as to increase the employer's contribution to the unemployment trust fund; to increase the maximum weekly benefits payable under the Alabama unemployment compensation law, and to provide that employees shall not contribute to the unemployment trust fund.

Ways and Means.

By Mr. Dial:

H. 806. To amend further Section 3 of Act No. 1945, H. 584, Regular Session 1971 (Acts 1971, p. 3143), as last amended, which provides for and regulates the employment of county engineers so as to provide that the county engineer in certain counties need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of the county engineer's salary.

Local Legislation No. 1.

By Mr. Waggoner:

H. 807. To amend further Section 204, Title 26, Code of Alabama 1940 Recompiled 1958, relating to unemployment compensation rate contributions and rate determinations, so as to provide an alternate rate circulation procedure for seasonal employers.

Ways and Means.

By Mr. Hilliard:

H. 808. To exempt United Community Centers, Incorporated from the payment of all state, county, and municipal sales and use taxes.

Ways and Means.

By Messrs. Hilliard and Trammell:

H. 809. To amend Act No. 698, S. 45, Regular Session 1969 [Acts 1969, p. 1252; now appearing in Code of Alabama Recompiled 1958, Title 14, Section 374(16J)], which prohibits the exposing of obscene and harmful materials to persons eighteen years of age and older so as to exempt certain persons from the provisions of the act.

State Administration.

By Messrs. Hilliard and Trammell:

H. 810. To amend Act No. 408, H. 111, Regular Session 1969, [Acts 1969, p. 801; now appearing in Code of Alabama, Recompiled 1958, Title 14, Section 374(16a)] which prohibits the sale, delivery or display of certain materials to minors, and provides for the enforcement of the act; so as to exempt certain persons from the provisions of the act.

State Administration.

By Mr. Hall:

H. 811. To amend Title 52, Section 555, Code of Alabama 1940, Re-compiled 1958, requiring physical education in all public, private, or parochial schools; so as to further require health education.

State Administration.

By Messrs. Campbell, Pegues, Gregg, Shelton, Whatley, Moore (W), Smith (C), Robertson, Roberts, McNair, Quarles, Turnham and Harrison:

H. 812. To further amend Section 2 of Act No. 1056, S. 1, Regular Session of the Legislature of 1973, as amended by Act No. 130, H. 240, Regular Session of the Legislature of 1975 referred to as "The State Ethics Act," by rewriting subsection (k) of said Section 2, to redefine the terms "Legislative Employee," "Lobbyist," "Public Employee," and "Public Official," and adding a definition of "Thing of value."

State Administration.

By Messrs. Campbell, Pegues, Gregg, Shelton, Whatley, Dial, Moore (W), Smith (C), Robertson, McNair, Quarles and Harrison:

H. 813. To further amend Section 3 of Act No. 1056, S. 1, Regular Session of the Legislature of 1973, as amended by Act No. 130, H. 240, Regular Session of the Legislature of 1975 referred to as "The State Ethics Act," by rewriting Section 3 to include additional standards of conduct for public officials and employees.

State Administration.

By Messrs. Campbell, Pegues, Gregg, Shelton, Whatley, Moore (W), Smith (C), Robertson, Roberts, McNair, Quarles, Turnham and Harrison:

H. 814. To further amend Section 4 of Act No. 1056, S. 1, Regular Session of the Legislature of 1973, as amended by Act No. 130, H. 240, Regular Session of the Legislature of 1975, referred to as "The State Ethics Act," by rewriting Section 4 to clarify the "thing of value" which public officials and employees are prohibited from accepting.

State Administration.

By Messrs. Campbell, Pegues, Gregg, Shelton, Whatley, Dial, Moore (W), Smith (C), Roberts, McNair, Quarles, Turnham and Harrison:

H. 815. To further amend Section 5 of Act No. 1056, S. 1, Regular Session of the Legislature of 1973, as amended by Act No. 130, H. 240, Regular Session of the Legislature of 1975, referred to as "The State Ethics Act," by rewriting Section 5 to include additional standards of conduct for public officials and employees.

State Administration.

By Messrs. Campbell, Gregg, Shelton, Whatley, Moore (W), Smith (C), McNair, Quarles, Turnham, Turnham and Harrison:

H. 816. To further amend Section 8 of Act No. 1056, S. 1, Regular Session of the Legislature of 1973, as amended by Act No. 130, H. 240, Regular Session of the Legislature of 1975, referred to as "The State Ethics Act," by amending Section 8 to prohibit legislators from representing any person, firm or corporation before certain agencies of State government for a fee, reward or other compensation.

State Administration.



8th Day

By Messrs. Campbell, Pegues, Gregg, Shelton, Smith (C), Moore (W), Robertson, McNair, Quarles, Turnham and Harrison:

H. 817. To further amend Section 12 of Act No. 1056, S. 1, Regular Session of the Legislature of 1973, as amended by Act No. 130, H. 240, Regular Session of the Legislature of 1975, referred to as "The State Ethics Act," by rewriting Section 12 to require financial disclosure from certain public officials and employees.

State Administration.

By Messrs. Campbell, Pegues, Gregg, Shelton, Whatley, Dial, Moore (W), Smith (C), Robertson, Roberts, McNair, Quarles, Turnham and Harrison:

H. 818. To further amend Section 13 of Act No. 1056, S. 1, Regular Session of the Legislature of 1973, as amended by Act No. 130, H. 240, Regular Session of the Legislature of 1975, referred to as "The State Ethics Act," by rewriting Section 13 to require financial disclosure from candidates for elective public office and nominees for appointive public office other than board members.

State Administration.

By Messrs. Campbell, Pegues, Gregg, Shelton, Whatley, Moore (W), Smith (C), Robertson, Roberts, McNair, Quarles, Turnham and Harrison:

H. 819. To make an additional appropriation for salaries and other expenses for the use of the State Ethics Commission for the fiscal year ending September 30, 1977.

Ways and Means.

By Mr. Crowe:

H. 820. To require registration of investment advisers and associated persons, and to provide, in addition to their present functions and duties, the functions and duties of the Alabama Securities Commission and its Director (established under Act No. 740 enacted at the 1969 Regular Session of the Alabama Legislature, Acts of 1969, p. 1316, et seq.), to establish prohibited acts, to authorize the imposition of criminal, civil and administrative penalties, to authorize the Securities Commission to swear out and execute warrants of arrest, to provide for assessment of filing fees by the Securities Commission; and to provide relief from orders of the Commission by judicial review.

Banking.

By Messrs. Moore (W), Carter, Sasser, Carothers, Williams, Whatley, Riddick, Andrews, Greer, Moore (O), Holmes (D), Howard, Gafford, Campbell, Jolly, Naramore, Starkey, White and Martin:

H. 821. To provide that any person who is elected or appointed after the effective date of this Act as a probate judge, a judge of a district court, a judge of a circuit court, a judge of a court of appeals, a justice of the Alabama Supreme Court, or a chief justice of the Alabama Supreme Court shall not be eligible to participate in or receive any benefits under the Judicial Retirement Fund of Alabama, but shall become a member of the Employees' Retirement System of Alabama and shall participate therein under the same conditions and provisions as do state employees; also to provide for the repeal of all laws and parts of law which would otherwise allow a supernumerary judge or justice or any surviving spouse of a deceased judge to elect membership in or retirement under the Judicial Retirement Fund of Alabama or otherwise to qualify for the receipt of benefits thereunder.

Ways and Means.

By Messrs. Moore (W), Carter, Sasser, Carothers, Williams, Whatley, Riddick, Andrews, Greer, Moore (O), Holmes (D), Howard, Gafford, Campbell, Jolly, Naramore, Starkey, White and Martin:

H. 822. Further to provide for and regular the retirement of certain personnel of the courts of the state; to provide that every court reporter appointed to or otherwise employed by a state court after the effective date of this Act shall become a member of the Employees' Retirement System of Alabama; to provide that no law or part of law relating to supernumerary court reporters shall apply to any member of the Employees' Retirement System of Alabama; to provide for the creation of the Employees' - District Attorneys', Clerks' and Registers' - Supernumerary Fund under the Employees' Retirement System of Alabama which in all respects, shall be governed by the same laws, rules and regulations that govern the Employees' Retirement System and shall provide benefits and eligibility for supernumerary status on the same basis and under the same conditions as is provided under the Employees' Retirement System for retirement and benefits thereunder; to provide that every district attorney and like prosecuting officer, and court reporter who is not a member of the Employees' Retirement System or of the Employees' - District Attorneys', Clerks' and Registers' - Fund under the Employees' Retirement System shall contribute annually a percentage of his annual earnable compensation to the General Fund of Alabama; to provide that such percentage shall be 1% less than the percentage rate of contributions required of members of the Judicial Retirement Fund, but in no event at a rate less than the percentage rate contributed by members of the Employees' Retirement System; and to provide for necessary appropriations to carry out the provisions of this Act.

Ways and Means.

By Mr. Whatley:

H. 823. Relating to all counties having a population of not less than 60,000 nor more than 65,000 inhabitants, according to the 1970 or any subsequent federal decennial census; further regulating the practice of cosmetology in such counties, particularly in reference to the licensing of managing cosmetologist and the serving of apprenticeships, as such terms are used and defined in Act No. 78, S. 72 of the Special Session 1961.

Local Legislation No. 1.

By Messrs. Wyatt, Lewis, Cates, Folmar, Sasser, Kinsey, McMillan, Whatley, Campbell, McNees, Martin, Hall, Gafford, Edwards, Reed, Roberts, Smith (M), Crowe, Shoemaker, White, Kennedy, Jackson (F), Johnson, Albright, Holmes (D), Holley, Taylor, Crawford, Ford, Buskey, Boles, Quarles, Sparks, Moore (W), McNair, Trammell, Harrison, Howard, Pegues, Mitchem, Kelley, Baker, Starkey, Barron, Glass, Carothers, Dial, Morris, Clark, Manley, Owens, Hopping, McCorquodale and Goodwin:

H. 824. Requiring prior notification by the public safety department to a driver that his driver's license is about to expire.

State Administration.

By Mr. Wyatt:

H. 825. To require that any bank, company, firm, or other business which issues credit cards to any resident of this state must furnish either the original or a duplicate copy of each transaction conducted pursuant to the issuance of such credit cards; to require that the said

original or duplicate copy of the transaction must show the card holder's signature; and to provide that non-compliance with the provisions hereof by the card issuer shall discharge the card holder of his obligation on the debt.

State Administration.

By Messrs. Smith (B), Albright, Riddick, Martin, Taylor and Ford:

H. 826. To propose an amendment to the Constitution relative to the method of adopting amendments to the Constitution which apply to or affect any political subdivision or subdivisions of the state less than the whole including municipalities, providing that the election to be held on any such proposed amendment shall be by the qualified electors of the municipality, county or counties to which the amendment applies, and notice of the election shall be published only in the municipality, county or counties affected by the amendment.

State Administration.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Crowe and Sasser:

H. 827. To create the Teachers' Liability Insurance Board and authorize such board to provide a liability insurance plan for teachers in the public elementary and secondary schools of the State of Alabama; to provide for the contents of such liability insurance plan and to define eligibility requirements for coverage by such insurance; to authorize the board to execute contracts to provide for the insurance; to provide for the financing of the teachers' liability insurance plan; to authorize the board to adopt and promulgate rules and regulations for the administration of such plan; to provide an effective date of this act and to repeal all laws in conflict therewith.

Ways and Means.

By Mr. Falkenburg:

H. 828. To permit possession of certain quantities of Federal tax-paid alcoholic beverages purchased for private use on Federal reservations.

State Administration.

By Mr. Hines:

H. 829. To further amend Section 10 of Act No. 1, H. 46, 1945 Regular Session [Acts of 1945, p. 6; now appearing in Code of Alabama Recompiled 1958, Title 26, Section 179 (33)], relating to the meetings of the Oil and Gas board so as to require the board to give written notice via letter to landowners affected by proposed actions of such meetings.

State Administration.

By Messrs. Ford, Rich and Taylor:

H. 830. Relating to all counties having a population of not less than 90,000 nor more than 100,000 according to the 1970 or any subsequent federal decennial census; to further amend Section 4 of Act No. 809, H. 1274, 1965 Regular Session (Acts of 1965, p. 1511), as amended, relating to the administrative consultant to the circuit clerk so as to increase the annual salary of the person holding office as an administrative consultant to the circuit clerk of such counties.

Local Legislation No. 1.

By Mr. Turnham:

H. 831. To amend and reenact Act No. 87, S. 40, 1971, Third Special Session, (Acts of 1971, p. 4299, now appearing in Code of Alabama, Recompiled 1958, Title 52, Sections 641-651), relating to the regulation of certain schools and courses of instruction publicized, sold, offered for sale and administered to residents of this State; so as to further regulate such schools and courses of instruction and to provide for funding.

Ways and Means.

By Mr. Gafford:

H. 832. TO AMEND Section 8 of Act No. 516 enacted at the 1955 Regular Session of the Legislature of the State of Alabama, as amended, relative to Medical Clinic Boards (codified as Section 11-58-10 of the Code of Alabama 1975), to provide that the principal amount of any refunding bonds that may be issued, shall not exceed the principal of the bonds to be refunded, any expenses estimated to be incurred in connection with such refunding and interest (accrued or to accrue) to the respective maturity dates of the bonds to be refunded or, if the bonds to be refunded are to be called for redemption, either on the earliest date on which under their terms they may be redeemed or some later date or dates, the interest (accrued or to accrue) on the bonds to be refunded to the date or dates on which they are to be called for redemption, plus the amount of any redemption premium required by their terms to be paid as a condition to their redemption prior to their respective maturities.

Banking.

By Mr. Manley:

H. 833. To amend further Section 1, of Act No. 530, H. 635 of the 1949 Regular Session (Acts 1949, p. 835), which act relates to public health and licensure of hospitals, so as to further prescribe regulations therefor and clarify and expand the definitions.

Health.

By Messrs. Kennedy, Buskey and Sonnier:

H. 834. To honor the memory of the late John L. LeFlore; relating to counties of not less than 300,000 nor more than 600,000 inhabitants; to require that the next public high school built in any county to which this Act applies shall be named the John L. LeFlore High School.

State Administration.

By Messrs. Sandusky, McMillan and Sonnier:

H. 835. To amend Title 3, of Act 2431, H. 2569, 1971 Regular Session (Acts of 1971, p. 3880), as amended, entitled "relating to all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent decennial census; to provide for and create a County Racing Commission for the regulation, licensing, and supervision of dog racing, and wagering thereon; to prescribe the composition, appointment, powers and duties of the commission; to provide for and regulate the pari mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the Acts; and to provide other penalties for the violation of this Act and for other purposes relative thereto, and to provide for a referendum of the voters of the County on the question of whether the

act will become effective in the County," to amend and change the compensation of each member of the Commission.

Local Legislation No. 3.

By Mr. McMillan:

H. 836. To alter or rearrange the boundary lines of the City of Satsuma, Mobile County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Mobile County, Alabama.

Local Legislation No. 3.

By Mr. McNeese:

H. 837. To amend Act No. 1196, S. 1018, 1975 Regular Session (Acts 1975, p. 2349) which relates to primary elections, so as to set the dates for primary elections in August, to change the timetable for declaration and certification of candidacy and to require public declaration of nominations on the date of the first primary election by parties or factions not holding primary elections.

Constitution and Elections.

By Mr. Manley:

H. 838. To amend Section 10 of Act No. 1006, H. 1912 of the 1975 Regular Session of the Legislature (Acts 1975, Vol. III, p. 2033) pertaining to additional unlawful acts in counties having populations of not less than 23,800 nor more than 23,925 according to the most recent federal decennial census, in regard to the sale of table wine, so as to make the unlawful acts in said counties conform to the general law of Alabama governing the sale of alcoholic beverages.

Local Legislation No. 1.

By Mr. Wyatt:

H. 839. Relating to counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 or any subsequent federal decennial census; relieving and exempting the Judge of Probate and the employees under his supervision in such counties from personal liability for errors, mistakes and omissions; and providing that any costs thereby incurred shall be paid out of or credited against the general fund of such counties.

Local Legislation No. 4.

By Messrs. Harris, Barron and Turnham:

H. 840. To exclude any person from eligibility for unemployment benefit coverage under Title 26, Code of Alabama of 1940, as amended, when he is employed by any non-profit organization or any political subdivision on a temporary, part-time, or seasonal basis, primarily in the field of recreation or camp counselling; and to exempt such non-profit organizations or political subdivisions from the requirement of making contributions therefor for such person.

Judiciary.

## RESOLUTIONS

The following resolutions introduced on the seventh legislative day were read by title pursuant to Joint Rule 11:

H. J. R. 91. CITING FOR MERIT DR. BOOKER TILLMAN  
WHATLEY OF TUSKEGEE INSTITUTE.

**H. J. R. 92. CONGRATULATING THE MORGAN COUNTY HIGH SCHOOL ARCHERY TEAM FOR FIRST PLACE HONORS IN CHAMPIONSHIP COMPETITION.**

On motion of Mr. Crowe, the resolutions were adopted en masse.

**RESOLUTIONS**

The following resolutions were introduced:

By Messrs. Whatley, Baker, Turnham, Reed, Armstrong, Barron, Biddle, Boles, Buskey, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harrison, Hill, Holley, Holmes (D), Hopping, Jackson (F), Jackson (R), Johnson, Jolly, Kelley, Kennedy, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McMillan, McNair, McNeese, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Warren, White, Williams, Wyatt and Shoemaker:

**H. J. R. 103. CONGRATULATING REPRESENTATIVE G. J. "DUTCH" HIGGINBOTHAM ON HIS ELECTION TO THE SENATE.**

WHEREAS, Representative G. J. "Dutch" Higginbotham of Opelika won election on February 22, 1977, as Senator from Senate District 22, consisting of Russell, Lee, Chambers and Barbour Counties; and

WHEREAS, he claimed his senate seat with a more than three to one margin over his opponent, winning better than 72% of the overall vote; and

WHEREAS, it is with deep regret that we lose our beloved and esteemed colleague from the House Chambers, as he has served the people of his district with diligence and dedication, ever mindful and sensitive to their needs and to those of our state; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we express our deep appreciation for the outstanding work "Dutch" Higginbotham has performed in the House, that we heartily congratulate him on his authoritative victory, and wish him every success in his future with the Senate.

**BE IT FURTHER RESOLVED,** That a copy of this resolution be presented to Mr. Higginbotham that he may know of our warm wishes and high esteem.

On motion of Mr. Whatley, the rules were suspended and the resolution, H. J. R. 103, was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Boles, Buskey, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harrison, Hill, Holley, Holmes (D), Hopping, Jackson (F), Jackson (R), Johnson, Jolly, Kelley, Kennedy, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNeese, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (M),

REGULAR SESSION  
8th Day

425

Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams, Wyatt and Shoemaker.

—77

Also:

By Messrs. Gregg and Albright:

H. J. R. 104. COMMENDING THE STUDENT GOVERNMENT ASSOCIATION OF BUTLER HIGH SCHOOL, HUNTSVILLE, ALABAMA.

WHEREAS, the Student Government Association of Butler High School is sponsoring their second annual Fiddler's Convention, scheduled for March 11-12, 1977 in Huntsville, Alabama; and

WHEREAS, we applaud the significant intent of this worthy project which is to preserve and encourage the art of folk music, principally of the harmonica, fiddle, banjo, mandolin, dulcimer, guitar, folk singing, blue grass and buck dancing; and

WHEREAS, although faculty sponsored, all work and planning is done by the students, a tremendous undertaking as some 200 folk musicians from throughout the Southeast, and encompassing all ages, will be in attendance and competing for trophies and prizes before an anticipated audience of 2500 or more; and

WHEREAS, these fine young students are to be praised further for their efforts in securing a concert appearance to open the convention by Grammy Award winner, Charlie McCoy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly commend the Student Government Association of Butler High School for their sponsorship of this second annual Fiddler's Convention with the praiseworthy purpose of preserving and furthering this type of music, much of which is indigenous to our state and area.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Student Government Association and to Butler High School in Huntsville.

On motion of Mr. Gregg, the rules were suspended and the resolution, H. J. R. 104, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Owens, the rules were suspended in order to take up out of order the third reading of the bill, H. 91.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Baker, Barron, Biddle, Boles, Brindley, Buskey, Carter, Cates, Coburn, Crawford, Crowe, Edwards, Falkenburg, Ford, Gafford, Goodwin, Harris, Harrison, Holmes (D), Hopping, Jackson (F), Jackson (R), Jolly, Kennedy, Killian, Kinsey, Lewis, Lutz, McCluskey, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Quarles, Reed, Rich, Roberts, Robertson, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams, Wyatt and Shoemaker.

—63

And the bill:

H. 91. To authorize each municipality in this state to acquire, finance, establish, own, use, operate, manage and control parks, playgrounds and recreational or athletic areas situated wholly or in part outside of its corporate limits; to provide the conditions upon which a park, playground, or recreational or athletic area may be used or established within the corporate limits or police jurisdiction of another municipality or within a county other than that in which a municipality establishing the same shall be situated; to provide that all authority heretofore and hereinafter granted to municipalities with respect to parks, playgrounds and recreational or athletic areas within the corporate limits of a municipality shall be applicable to and may be exercised by a municipality with respect to any park, playground or recreational or athletic area located wholly or in part outside its corporate limits; to provide that a municipality may join and cooperate with one or more municipalities in acquiring, financing, refinancing, providing, establishing, installing, using and managing parks, playgrounds, and recreational or athletic areas, making the same common to the use of such municipalities and in fixing and charging fees and making rules and regulations for the conduct, management and use thereof and providing that all municipalities shall jointly have the same powers and authorities conferred by the act upon each; to authorize governing bodies of two or more municipalities to establish jointly an authority as a public corporation for the purposes of acquiring, financing, refinancing, providing, establishing, installing, using of managing parks, playgrounds, and recreational or athletic areas, making the same common to the use of such municipalities or in fixing and charging fees and in making rules and regulations for the conduct, management and use thereof; to provide that neither the act nor anything therein contained shall be construed as a restriction or limitation upon any power which a municipality might otherwise have under any laws of the state.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carter, Cates, Coburn, Crawford, Crowe, Edwards, Falkenburg, Ford, Gafford, Goodwin, Greer, Harris, Hill, Holley, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Jolly, Kelley, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Porter, Quarles, Reed, Rich, Roberts, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams, Wyatt and Shoemaker.

—71

#### NOTICE IN WRITING

Mr. Lutz filed the following Notice in Writing:

Notice is hereby given that on the next legislative day I shall make a motion to amend House Rule 4. (9) to read as follows:

“(9) No motion to carry over all bills on the calendar to reach a certain bill shall be in order unless the rules are suspended.”



## 8th Day

## MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Naramore, the rules were suspended in order to take up out of order the third reading of the bill, S. 17.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Boles, Buskey, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Harris, Harrison, Hill, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Jolly, Kelley, Kennedy, Killian, Kinsey, Lewis, Lutz, McCluskey, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Whatley, White, Williams and Shoemaker.

—75

And the bill:

S. 17. To make appropriations for the support and maintenance of certain private schools and institutions of higher learning located in the State of Alabama for the fiscal year ending September 30, 1977.

Was read a third time at length and passed.

Yeas 86; Nays 3.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Boles, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Whatley, White, Williams, Wyatt and Shoemaker.

—86

Nays: Messrs.: Barron, Johnson and Leonard.

—3

## MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Hill, the rules were suspended in order to take up out of order the third reading of the bill, H. 338.

Yeas 73; Nays 4.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Boles, Buskey, Campbell, Carter, Cates, Clark, Coburn, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Greer, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kennedy, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Merrill, Moore (O), Morris,

Naramore, Owens, Pegues, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Waggoner, Warren, White, Williams, Wyatt and Shoemaker.

—73

*Nays:* Messrs.: Carothers, Johnson, McNair and Moore (W).

—4

And the bill:

H. 338. To provide that the Administrative Director of Courts, with the approval of the Chief Justice, is authorized to appoint and employ not more than two confidential secretaries who shall serve at the pleasure of the Chief Justice; said secretary or secretaries shall be subject to the Merit System Act only as to pay plan, and shall be assigned to assist retired justices or judges who perform active duty for the Supreme Court or one or both of the courts of appeals.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 1.

*Yeas:*

Mr. Speaker, Armstrong, Baker, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Cates, Clark, Coburn, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNeese, Manley, Martin, Merrill, Moore (O), Morris, Naramore, Owens, Pegues, Porter, Quarles, Rich, Roberts, Robertson, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, White, Wyatt and Shoemaker.

—77

*Nay:* Mr. Moore (W).

—1

#### MOTION TO RECONSIDER

Having voted on the prevailing side and previously filed a Notice in Writing, Mr. Whatley offered the motion to reconsider the vote by which the bill, H. 33, was indefinitely postponed.

#### MOTION TO TABLE LOST

The motion offered by Mr. Holley to table the motion offered by Mr. Whatley to reconsider, was lost.

Yeas 29; Nays 50.

*Yeas:*

Messrs.: Barron, Brindley, Buskey, Campbell, Crawford, Dial, Greer, Hall, Harrison, Hill, Hilliard, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Jolly, Killian, Leonard, Lewis, Lockett, Porter, Quarles, Rich, Riddick, Smith (B), Taylor and Williams.

—29

*Nays:*

Mr. Speaker, Armstrong, Baker, Biddle, Carothers, Cates, Clark, Coburn, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Harris, Johnstone, Kennedy, Kinsey, Lee, Lutz, McCluskey, McCulley,

REGULAR SESSION  
8th Day

429

McMillan, McNees, Martin, Merrill, Moore (O), Morris, Naramore, Owens, Pegues, Reed, Roberts, Robertson, Sasser, Shelton, Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Whatley and White.

—50

H. 33 RECONSIDERED

The question was then on the motion offered by Mr. Whatley to reconsider the vote by which the bill, H. 33, was indefinitely postponed and the motion was adopted.

Yeas 44; Nays 32.

*Yeas:*

Mr. Speaker, Armstrong, Baker, Biddle, Cates, Clark, Coburn, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Harris, Johnstone, Kinsey, Lee, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Moore (O), Morris, Naramore, Owens, Reed, Roberts, Robertson, Shelton, Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley and White.

—44

*Nays:*

Messrs.: Barron, Brindley, Buskey, Campbell, Crawford, Dial, Ford, Greer, Hall, Harrison, Hill, Hilliard, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Jolly, Kennedy, Killian, Leonard, Lewis, Lockett, McNair, Porter, Quarles, Rich, Riddick, Smith (B), Taylor and Williams.

—32

And the bill:

H. 33. Relating to certain positions in the State Department of Revenue, providing that the salaries to be paid to such positions shall be the same as that paid to the positions of Attorney III Supervisor.

Was taken up.

MOTION TO POSTPONE TABLED

On motion of Mr. Gafford, the motion offered by Mr. Holley to postpone the bill, H. 33, to the twenty-seventh legislative day, was tabled.

Yeas 45; Nays 34.

*Yeas:*

Mr. Speaker, Armstrong, Biddle, Carothers, Carter, Cates, Clark, Coburn, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Harris, Jackson (F), Johnstone, Kinsey, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Moore (O), Morris, Owens, Reed, Roberts, Robertson, Sasser, Shelton, Smith (J), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren and White.

—45

*Nays:*

Messrs.: Barron, Brindley, Buskey, Campbell, Crawford, Dial, Ford, Greer, Gregg, Hall, Harrison, Hill, Hilliard, Holley, Holmes (D), Hopping, Howard, Jackson (R), Johnson, Jolly, Kennedy, Killian, Leonard, Lewis, Lockett, McNair, Manley, Porter, Quarles, Rich, Riddick, Smith (B), Taylor and Wyatt.

—34

## MOTION TO POSTPONE TABLED

On motion of Mr. Gafford, the motion offered by Mr. Dial to postpone further consideration of the bill, H. 33, to the tenth legislative day, was tabled.

Yeas 41; Nays 34.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Biddle, Cates, Clark, Coburn, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Hines, Jackson (F), Johnstone, Kinsey, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Moore (O), Morris, Owens, Roberts, Robertson, Sasser, Shelton, Smith (J), Sonnier, Sparks, Trammell, Turnham, Venable, Waggoner, Warren and White.

—41

*Nays:*

Messrs.: Barron, Brindley, Buskey, Campbell, Crawford, Dial, Ford, Greer, Gregg, Hall, Harrison, Hill, Hilliard, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Jolly, Kennedy, Killian, Leonard, Lewis, Lockett, McNair, Manley, Quarles, Rich, Riddick, Smith (B), Taylor and Williams.

—34

And the bill, H. 33, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 36.

*Yeas:*

Mr. Speaker, Armstrong, Baker, Biddle, Carothers, Carter, Cates, Clark, Coburn, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Harris, Hines, Jackson (F), Johnstone, Kinsey, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Morris, Owens, Pegues, Roberts, Robertson, Shelton, Smith (J), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren and White.

—45

*Nays:*

Messrs.: Albright, Barron, Brindley, Buskey, Campbell, Crawford, Cross, Dial, Ford, Greer, Gregg, Hall, Harrison, Hill, Hilliard, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Jolly, Kennedy, Killian, Leonard, Lewis, Lockett, McNair, Porter, Quarles, Rich, Riddick, Smith (B), Taylor and Williams.

—36

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Pearson and Goodwin:

S. J. R. 254. COMMENDING WILLIE MAYS FOR HIS OUTSTANDING BASEBALL CAREER.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

On motion of Mr. Manley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 254, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. St. John:

S. J. R. 252. CALLING FOR ANNUAL JOINT MEETINGS OF THE HOUSE AND SENATE JUDICIARY COMMITTEES TO SCREEN REPORTS FROM THE PRIVACY AND SECURITY COMMITTEE OF THE ALABAMA CRIMINAL JUSTICE INFORMATION CENTER COMMISSION.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

On motion of Mr. Manley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 252, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs.: Mitchell, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop and Wilson:

S. J. R. 251. Commending John A. Garrett for distinguished and superior service.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

On motion of Mr. Manley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 251, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Owen:

S. 65. To prescribe that any person traveling by commercial airline in the authorized service of the state shall be reimbursed for such transportation in an amount not to exceed the tourist fare.

Also:

By Mr. Bank:

S. 49. To amend Section 2 of Act No. 512, S. 128, Regular Session 1976 (Acts 1976, p. 640) so as to exempt from the application of the Alabama Sunset Law of 1976 institutions of higher education.

Also:

By Mr. Owen:

S. 24. To prohibit the use of state vehicles and airplanes by state employees and state officials, appointed or merit system, except when on official duty for the state; and providing penalties for violations.

McDOWELL LEE,  
Secretary.

### SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 65. State Administration.
- S. 49. Education.
- S. 24. Ways and Means.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Fine:

S. 161. To regulate the expense allowances in the Twenty-Fifth Judicial Circuit for circuit judges and the district attorney; and to make the provisions of this Act retroactive to January 16, 1977.

Also:

By Mr. Shelby:

S. 399. To provide a form of municipal government to be known as the mayor-council form of government, which may be adopted by any city in the State of Alabama having a population of not less than 60,000 nor more than 125,000 according to the last or any succeeding federal or municipal census; to provide the method by which any such city may adopt the mayor-council form of government; to provide for the calling and holding of elections to vote thereon; to define and provide the legal status, form of government and powers of any such city under the mayor-council form of government; to provide as the governing body of such city a city council; to provide for the number of members of the council, their election and terms of office; to provide the functions, duties, powers and authority of the city council; to provide for the election, appointment or designation of officers and employees of the city and for their qualifications, duties, functions, powers and authority; to provide for the election, term, qualifications and compensation of a mayor and for the filling of vacancies in the office of mayor and to provide the duties and authority of the mayor; to provide for the control of the finances of such city; to provide for an annual budget, its preparation, submission, and adoption and the effect thereof; to create and define

the powers, functions, duties and authority of the department of finance and the director of the department of finance; to regulate purchases and contracts of such city; to provide for the terms and effects of succession in government of any city adopting the mayor-council form of government; to make various other provisions for any such city which adopts the mayor-council form of government and for the government thereof; and to provide for the means of abandoning the mayor-council form of government and the adoption by the city of other forms of municipal government in lieu thereof.

Also:

By Mr. Jones:

S. 94. Relating to counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide that certain homebaked or homemade goods shall not be subject to the regulations of any state or county health department.

Also:

By Mr. Little:

S. 244. To authorize the county governing body of counties having a population of not less than 17,000 nor more than 20,000 inhabitants according to the 1970 or any subsequent federal decennial census to establish the position of deputy coroner and to set and pay from the county general fund the salary and any reasonable expense allowance for such office; and to prescribe the duties of such office.

Also:

By Messrs. Mitchell and Powell (With Notice and Proof):

S. 406. Relating to Crenshaw county; to provide that the sheriff shall be entitled to the allowance payable by the state for feeding prisoners; to provide that the provisions of this act and shall be retroactive.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, SB 406, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACTS NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Messrs. Mitchell and Powell (With Notice and Proof):

S. 408. Relating to Crenshaw County; to provide for the employment of clerks, secretaries, and clerical assistants to perform duties in the Office of the Judge of Probate and in the Office of the Sheriff of Crenshaw County; to provide for the salaries of all such employees; and to authorize the Crenshaw County Commission or other like governing body to pay salaries or any portion thereof of existing and future clerks, secretaries and clerical assistants employed by the Judge of Probate and the Sheriff and who are performing duties in such respective offices; and making the provisions of this act retroactive to October 1, 1973.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, SB 408, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Messrs. Mitchell and Powell (With Notice and Proof):

S. 407. Relating to Crenshaw County; further implementing Section 9 of Act No. 160, H. 59 of the 1971 Second Special Session (Acts 1971, p. 4404), relating to statewide property reappraisal; authorizing the Crenshaw County Commission to employ appraisers, mappers, and clerical personnel to maintain current evaluation of all real property and the evaluation of personal property.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, SB 407, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

MCDOWELL LEE, SECRETARY

MCDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 161. Local Legislation No. 1.
- S. 399. Local Legislation No. 1.
- S. 94. Local Legislation No. 4.
- S. 244. Local Legislation No. 1.
- S. 406. Local Legislation No. 1.
- S. 408. Local Legislation No. 1.
- S. 407. Local Legislation No. 1.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Vacca:

S. 29. To amend further Act No. 763, H. 286, Regular Session 1973 (Acts 1973, p. 1145), which relates to subsistence allowances for law enforcement officers while on duty and to authorize expenditure of funds for that purpose, so as to add Department of Finance, Division of Service, managers of wildlife management areas, enforcement officers in the Industrial Relations Department, enforcement officers in the Department of Revenue, and law enforcement officer of the Department of Mental Health.

Also:

By Mr. Baker:

S. 18. To provide for distinctive motorcycle license plates for Shrine motorcycle club, corps or unit members; to provide for the design of such license plate; and to provide a procedure for issuance thereof.

Also:

By Mr. Owen:

S. 135. To appropriate \$35,000.00 from the Alabama Board of Nursing Trust Fund in the State Treasury to the Alabama Board of Nurs-



ing for the current fiscal year ending September 30, 1977, for purchasing replacement office equipment and furniture and additional equipment and furnishings necessitated by the move of and expansion of the Board office.

Also:

By Mr. Vacca:

S. 6. To amend the title and Section 1 of Act No. 1137, H. 1757, 1973 Regular Session (Acts of 1973, p. 1921; now appearing in Code of Alabama, Recompiled 1958, Title 36, Section 58 (74c)) entitled, "An Act To authorize the State Safety Coordinating Committee to allocate any of its funds to the Department of Education to establish a special fund to be designated as the 'Driver Education and Training Fund' for the express purpose of instituting and conducting a program of preclicensing driver education and training"; so as to extend the allocation of driver education funds to any educational institution in Alabama.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 29. Ways and Means.
- S. 18. Ways and Means.
- S. 135. Ways and Means.
- S. 6. Ways and Means.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Fine:

S. J. R. 256. CONGRATULATING THE RUSSELLVILLE HIGH SCHOOL BAND ON ITS DISTINGUISHED AWARD.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Mr. McNees, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 256, the title of which is set out in the above and foregoing Message from the Senate.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 21. HONORING JUDGE G. KYSER LEONARD OF TALLADEGA ON HIS RETIREMENT.

McDOWELL LEE,  
Secretary.

## RESOLUTION

The following resolution was introduced:

By Mr. Manley:

H. R. 105. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when the House adjourns today it will adjourn to meet again on Tuesday, March 1, 1977, at 1:00 P. M.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 105, was adopted.

## MOTION TO ADJOURN LOST

The motion offered by Mr. Drake that the House adjourn until 1:00 o'clock p. m., Tuesday, March 1, 1977, was lost.

Yeas 8; Nays 47.

Yeas:

Messrs.: Carothers, Drake, Manley, Moore (W), Reed, Robertson, Smith (M) and Sparks.

—8

Nays:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Boles, Campbell, Cates, Coburn, Crawford, Crowe, Falkenburg, Gafford, Greer, Gregg, Hall, Harris, Hill, Holley, Hopping, Jackson (F), Johnson, Kelley, Killian, Kinsey, Leonard, Lockett, Lutz, McCluskey, Martin, Merrill, Moore (O), Naramore, Owens, Porter, Quarles, Rich, Roberts, Starkey, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—47

## BILLS ON THIRD READING

And the bill:

H. 593. Relating to counties having a population of not less than 38,100 and not more than 40,500 according to the 1970 or any subsequent federal decennial census; providing for the payment of an expense allowance for the members of the county board of education of said counties.

Which was postponed on the sixth legislative day, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 1.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Crowe, Drake, Edwards, Falkenburg, Gafford, Goodwin, Harris, Hill, Hopping, Jackson (F), Johnson, Jolly, Kelley, Kennedy, Kinsey, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Porter, Quarles, Rich, Roberts, Sandusky, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—55

Nay: Mr. Lutz.

—1

REGULAR SESSION  
8th Day

437

And the bill:

H. 555. To prohibit the sale, the offering for sale or the use of steel leg-hold traps designed for capturing wild animals in any county having a population of not less than 50,000 nor more than 52,500 inhabitants according to the 1970 or any subsequent federal decennial census; and to prescribe penalties for violations.

Which was postponed on the seventh legislative day, was taken up.

H. 555 POSTPONED

On motion of Mr. Drake, the bill, H. 555, was postponed to the eleventh legislative day.

And the bill:

H. 317. To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama; providing for the repeal of all laws or parts of laws in conflict herewith; and prescribing the time when this Act shall become effective.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Drake, Edwards, Falkenburg, Folmar, Glass, Goodwin, Greer, Hall, Harris, Hill, Holmes (D), Hopping, Jackson (F), Jolly, Kelley, Killian, Kinsey, McMillan, McNees, Manley, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Porter, Quarles, Reed, Rich, Robertson, Sandusky, Shelton, Smith (B), Smith (M), Trammell, Turnham, Venable, Warren, Whatley, White, Williams, Wyatt and Shoemaker.

—54

And the bill:

H. 437. Relating to the governing body of Chambers County; amending Sections 1 and 2 of Act No. 475, H. 304, Regular Session 1973 (Acts of 1973, p. 689), which act creates the county commission of Chambers County in lieu of the court of county commission of such county; so as to provide further for the rearrangement of commissioner's districts and for the election, terms and qualifications of the commissioners.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Holley, Holmes (D), Hopping, Jackson (F), Jolly, Kelley, Kennedy, Killian, Kinsey, Lewis, McCluskey, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed,

Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sparks, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams, Wyatt and Shoemaker.

—65

And the bill:

H. 628. Relating to Blount County; to authorize the county commission, within its sole discretion, to employ and set the salaries of such clerical assistants as the tax assessor, tax collector and probate judge may recommend for their respective offices.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Drake, Edwards, Falkenburg, Folmar, Glass, Goodwin, Greer, Hall, Harris, Hill, Holley, Holmes (D), Hopping, Jackson (F), Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Reed, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sparks, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, Williams, Wyatt and Shoemaker.

—65

And the bill:

H. 637. Relating to Cullman County; to reorganize the structure of the county commission in said county by providing for the election of the county commission by the county at large and prescribing residency requirements for the commissioners from the districts herein defined.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams, Wyatt and Shoemaker.

—77

And the bill:

H. 652. Relating to counties having a population of not less than 24,000 nor more than 24,800 inhabitants according to the 1970 or any subsequent federal decennial census; to provide additional compensation for the Board of Registrars in an amount to be set by the County Commission, within certain limits; to make the provisions of this act retro-active.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams, Wyatt and Shoemaker.

—77

And the bill:

H. 47. Relating to all counties having a population of not less than 115,000 nor more than 150,000 inhabitants according to the 1970 or any subsequent federal decennial census; providing for additional times when real property may be returned and valued for ad valorem tax purposes.

Was taken up.

#### SUBSTITUTE OFFERED

Mr. Lee offered the following substitute to the bill, H. 47:

#### A BILL TO BE ENTITLED AN ACT

To provide for additional times when real property may be returned and valued for ad valorem tax purposes in all counties having a population of not less than 115,000 nor more than 150,000 according to the 1970 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in counties having a population of not less than 115,000 nor more than 150,000 according to the 1970 or any subsequent federal decennial census.

Section 2. Any person, firm or corporation who owns any real property in any such county and anticipates that he or it will be the owner thereof on the first day of October next thereafter following may make a return of such property for taxation on the ensuing tax year at any time after December 31, of the current tax year. The tax assessor may value any such property during that period, but any property so returned and valued shall be included for tax purposes and any abstracts and other reports required of tax assessors as having been made during the regular tax assessment period (October 1 through December 31) next following such return and valuation. However, no person, firm or corporation shall be permitted or allowed to return property for valuation under this act unless he or it furnishes to the tax assessor evidence or indicia of his or its ownership by a duly recorded deed or other like conveyance.

Section 3. It is the intent of this act that real property may be returned and valued for ad valorem tax purposes at any time during the period for January 1 through September 30, as well as during the regular tax assessment period and that the time prescribed for the payment of ad valorem taxes, the procedures for fixing valuations by the Board of Equalization, and the procedures for taking appeals for valuations and assessments shall not be affected by this act.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 77; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams, Wyatt and Shoemaker.

—77

And the bill:

H. 47. To provide for additional times when real property may be returned and valued for ad valorem tax purposes in all counties having a population of not less than 115,000 nor more than 150,000 according to the 1970 or any subsequent federal decennial census.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams, Wyatt and Shoemaker.

—77

And the bill:

H. 439. To provide for purging the lists of registered voters in Chambers County; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to

REGULAR SESSION  
8th Day

441

the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams, Wyatt and Shoemaker.

—77

And the bill:

H. 651. Relating to all counties having population of not less than 115,000 nor more than 150,000 according to the 1970 or any subsequent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in said county.

Was taken up.

AMENDMENT OFFERED

Mr. Lee offered the following amendment to the bill, H. 651:

In Section 1, on the second line of Section 1, between the words, "may" and "in," insert the following words and phrases:

no sooner than 30 days following the enactment of this act

At the end of Section 3, add the following sentence:

Provided further, however, that the substantive provisions of this act shall take effect no sooner than 30 days following the enactment of this act.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs.: Albright, Baker, Carothers, Falkenburg, Harris, Hopping, Howard, Johnson, Kennedy, Lee, Lewis, Lutz, McNees, Manley, Merrill, Rich, Robertson, Sasser, Shelton, Smith (J), Smith (M), Turnham and Wyatt.

—23

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 651 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 14; Nays 5.

Yeas:

Messrs.: Baker, Falkenburg, Harris, Hilliard, Hopping, Howard, Johnson, Lee, Lewis, Lutz, Merrill, Sasser, Shelton and Wyatt.

—14

Nays: Messrs.: Crowe, Drake, Naramore, Robertson and Sparks.

—5

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 316. To amend Title 52, Section 215(a4) relating to the determination of the number of teacher units allowed, so that the period for which average daily attendance is required is changed from the school year to the first five scholastic months of any school term.

As amended and temporarily carried over on the seventh legislative day, was taken up.

#### AMENDMENT TABLED

On motion of Mr. Smith (C), the amendment offered by him to the bill, H. 316, on the seventh legislative day, was tabled.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Holley, Holmes (D), Hopping, Howard, Johnson, Jolly, Lee, Leonard, Lewis, Lutz, McCluskey, McNees, Manley, Martin, Merrill, Moore (O), Pegues, Plaster, Porter, Quarles, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, White, Williams, Wyatt and Shoemaker.

—63

#### SUBSTITUTE OFFERED

Mr. Smith (C) offered the following substitute to the bill, H. 316:

#### A BILL TO BE ENTITLED AN ACT

To amend Title 52, Section 215(a4) relating to the determination of the number of teacher units allowed, so that the period for which average daily attendance is required is changed from the school year to the first four scholastic months of any school term and giving this Act retroactive effect.

Be It Enacted by the Legislature of Alabama:



REGULAR SESSION  
8th Day

443

Section 1. Title 52, Section 215(a4) is hereby amended to read as follows:

"Section 215(a4). In determining the number of teacher units to be allowed a county or an independent city for the purpose of apportioning the minimum program fund, one teacher unit shall be allowed for each twenty-eight pupils in average daily attendance, during the preceding school year during the first four scholastic months of the preceding school year in all the public schools of the county, including schools in the independent cities therein, provided that those systems which show an increase in average daily attendance during the first four scholastic months of the subsequent current year may be allowed one additional teacher unit for each twenty-eight pupils in such increase in average daily attendance for such subsequent current year."

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This amendatory Act shall have retroactive effect to the beginning of the 1976-77 school year.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Porter, Quarles, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams, Wyatt and Shoemaker.

—83

And the bill:

H. 316. To amend Title 52, Section 215(a4) relating to the determination of the number of teacher units allowed, so that the period for which average daily attendance is required is changed from the school year to the first four scholastic months of any school term and giving this Act retroactive effect.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Porter, Quarles, Riddick, Roberts, Sasser,

Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams, Wyatt and Shoemaker.

—81

#### CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 316:

Messrs.: Brindley, Campbell, Carothers, Carter, Crawford, Cross, Crowe, Dial, Drake, Folmar, Ford, Glass, Greer, Hill, Holley, Holmes (D), Hopping, Howard, Johnson, Kennedy, Kinsey, Lewis, McCluskey, McNeas, Manley, Merrill, Mitchem, Moore (O), Pegues, Porter, Quarles, Robertson, Shelton, Smith (B), Smith (C), Sparks, Starkey, Trammell, White, Wyatt and Shoemaker.

And the bill:

H. 671. To provide the county commission in all counties having a population of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census, with authority to employ appraisers, mappers, and clerical personnel to maintain current evaluation of all real property and valuation of personal property within the county.

Which was postponed on the seventh legislative day, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 1.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hines, Holley, Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeas, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Porter, Quarles, Riddick, Roberts, Shelton, Smith (B), Smith (J), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—69

Nay: Mr. Crowe.

—1

And the bill:

H. 9. To amend Section 9 of Act No. 182, S. 442 of the 1976 Regular Session, which act pertains to the commutation of time for certain prisoners for good behavior, so as to make its provisions applicable after the effective date of this act and to remove any retroactive applications.

Which was temporarily postponed as amended on the seventh legislative day, was taken up.

#### AMENDMENT OFFERED

Mr. Riddick offered the following amendment to the bill, H. 9 as amended:

On page 4 strike each line beginning with line 4 and each line thereafter through line 13. Renumber remaining classifications as required. Further amend by deleting lines 4 and 5 on page 6 and rewrite

as follows "The Board of Corrections shall, for the purpose of correctional incentive time, shall classify all inmates within one of the five above listed classifications."

MOTION TO TABLE LOST

The motion offered by Mr. Gregg to table the amendment offered by Mr. Riddick to the bill, H. 9 as amended, was lost.

Yeas 18; Nays 32.

*Yeas:*

Mr. Speaker, Biddle, Campbell, Crowe, Edwards, Glass, Gregg, Hill Hopping, Martin, Pegues, Smith (J), Smith (M), Venable, Waggoner, Warren, Williams and Wyatt.

—18

*Nays:*

Messrs.: Armstrong, Barron, Carothers, Crawford, Folmar, Greer, Hall, Harris, Harrison, Holley, Holmes (A), Jackson (R), Johnstone, Jolly, Killian, Lee, Leonard, Lockett, McCluskey, McMillan, McNair, Manley, Merrill, Morris, Naramore, Porter, Riddick, Sasser, Smith (B), Sonnier, Sparks and Taylor.

—32

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT ADOPTED

The question was then on the amendment offered by Mr. Riddick to the bill, H. 9 as amended, and the amendment was adopted.

Yeas 52; Nays 11.

*Yeas:*

Messrs.: Armstrong, Baker, Barron, Biddle, Boles, Campbell, Carothers, Carter, Coburn, Crawford, Cross, Crowe, Drake, Folmar, Gafford, Goodwin, Greer, Hall, Harris, Harrison, Holley, Holmes (A), Jackson (R), Johnstone, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, Manley, Martin, Merrill, Mitchem, Morris, Naramore, Owens, Plaster, Riddick, Roberts, Sasser, Smith (B), Smith (M), Sparks, Taylor, Venable, Waggoner, White and Williams.

—52

*Nays:*

Mr. Speaker, Glass, Gregg, Hill, Holmes (D), Hopping, Howard, Moore (W), Pegues, Smith (J) and Wyatt.

—11

SUBSTITUTE OFFERED

Mr. Greer offered the following substitute to the bill, H. 9 as amended:

A BILL  
TO BE ENTITLED  
AN ACT

To provide a comprehensive Correctional Incentive Program based on incentive for good conduct and work performed in the general operation of the prison and in prison industrial, agricultural, educational and work-release programs or other bona fide rehabilitative programs; to establish definitive criteria for qualification; to establish definitions for classifications under which sentence reductions may be earned; to prescribe for the loss of correctional incentive sentence reductions; to provide limitation of sentence reductions; to provide for notification of inmates; to provide certain responsibilities of the Board of Corrections and the State Board of Pardons and Paroles; and to repeal specific and conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 182, S. 442 of the 1976 Regular Session (Acts of 1976, p. 176), which act provides for commutation of time for certain prisoners with good behavior is hereby specifically repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TABLED

On motion of Mr. Gregg, the substitute offered by Mr. Greer to the bill, H. 9 as amended, was tabled.

Yeas 59; Nays 20.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Brindley, Campbell, Crawford, Crowe, Dial, Edwards, Folmar, Ford, Glass, Gregg, Harris, Hill, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Taylor, Venable, Waggoner, Warren, Whatley and Williams.

—59

*Nays:*

Messrs.: Baker, Buskey, Carothers, Carter, Clark, Drake, Gafford, Goodwin, Greer, Hall, Holley, Lee, Manley, Moore (O), Roberts, Sparks, Trammell, Turnham, White and Wyatt.

—20

And the bill:

H. 9. To provide a comprehensive Correctional Incentive Program based on incentive for good conduct and work performed in the general operation of the prison and in prison industrial, agricultural, educational and work-release programs or other bona fide rehabilitative programs; to establish definitive criteria for qualifications; to establish definitions for classifications under which sentence reductions may be earned; to prescribe for the loss of correctional incentive sentence reductions; to provide limitation of sentence reductions; to provide for notification of

REGULAR SESSION  
8th Day

447

inmates; to provide certain responsibilities of the Board of Corrections and the State Board of Pardons and Paroles; and to repeal specific and conflicting laws.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 11.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Clark, Coburn, Crawford, Cross, Crowe, Dial, Edwards, Folmar, Ford, Glass, Goodwin, Gregg, Hall, Harris, Harrison, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Lewis, Lutz, McMillan, McNair, McNees, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Turnham, Venable, Waggoner, Warren, Whatley, Williams and Wyatt.

—77

Nays:

Messrs.: Buskey, Carter, Drake, Greer, Jackson (R), Kennedy, Leonard, McCluskey, Manley, Moore (O) and White.

—11

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Manley, the rules were suspended in order to take up out of order the bill, H. 717.

And the bill:

H. 717. (With Amendments): To direct the Code Commissioner to correct an error which appears in Title 16, Chapter 13, Article 3, Section 16-13-56 of the Manuscript of the Code 1975, which was adopted by Act No. 1, H. 100 of the current session of the Legislature, the section of such manuscript which deals with the determination of the amount of local funds available for purposes of the minimum school program, in order to make this section correctly state the law on this subject.

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend the SYNOPSIS of House Bill 717, page 1, line 13, by deleting the figure 1 following the words "Act No." and inserting in lieu therefor the figure 20.

And the amendment was adopted.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis,

Lockett, Lutz, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams, Wyatt and Shoemaker.

—90

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend the title of House Bill 717, page 1, line 27, by deleting the figure 1 following the words "Act No." and inserting in lieu thereof the figure 20.

And the amendment was adopted.

Yeas 91; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams, Wyatt and Shoemaker.

—91

And the bill:

H. 717. To direct the Code Commissioner to correct an error which appears in Title 16, Chapter 13, Article 3, Section 16-13-56 of the Manuscript of the Code 1975, which was adopted by Act No. 20, H. 100 of the current session of the Legislature, the section of such manuscript which deals with the determination of the amount of local funds available for purposes of the minimum school program, in order to make this section correctly state the law on this subject.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Ford, Gafford, Goodwin, Greer, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lutz, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M),

REGULAR SESSION  
8th Day

449

Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams, Wyatt and Shoemaker.

—91

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 717:

Messrs.: Andrews, Armstrong, Baker, Biddle, Brindley, Buskey, Carothers, Carter, Crawford, Cross, Crowe, Falkenburg, Ford, Goodwin, Greer, Hall, Hilliard, Hines, Holley, Holmes (A), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Lutz, McNees, Martin, Merrill, Mitchem, Moore (O), Owens, Porter, Quarles, Rich, Riddick, Robertson, Sandusky, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Trammell, Turnham, Waggoner, Whatley, Williams, Wyatt and Shoemaker.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Folmar to suspend the rules in order to take up out of order the bill, H. 36, was lost, lacking a four-fifths vote.

Yeas 28; Nays 25.

Yeas:

Messrs.: Armstrong, Biddle, Boles, Carter, Coburn, Crawford, Edwards, Falkenburg, Folmar, Gafford, Hill, Jackson (F), Kelley, Kennedy, Kinsey, McNees, Manley, Moore (O), Naramore, Plaster, Robertson, Sasser, Sonnier, Trammell, Venable, Waggoner, White and Williams.

—28

Nays:

Messrs.: Andrews, Barron, Buskey, Campbell, Carothers, Dial, Greer, Hall, Harrison, Hilliard, Holley, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Leonard, McNair, Porter, Rich, Riddick, Smith (M), Turnham and Wyatt.

—25

And the bill:

H. 60. To make a certain appropriation from the General Fund to cover expenses incurred by state Representative Gary Cooper while attending the annual conference of the Southern Growth Policies Board.

Which was postponed on the fourth legislative day, was taken up.

H. 60 POSTPONED

On motion of Mr. Manley, the bill, H. 60, was postponed to the ninth legislative day.

And the bill:

H. 69. To amend Section 5, Act 160, Third Special Session, 1971 Legislature, providing for maintenance of property values and ownership maps in each county after completion of the statewide reappraisal program; providing that the Department of Revenue establish such a program for uniformity of procedures and records; providing that field men involved in classifying property shall have one year experience in appraisal of real property; providing the method for payment of such maintenance appraisal and mapping program. Repeals laws in conflict with this Act.

Which was postponed on the fourth legislative day, was taken up.

## AMENDMENT OFFERED

Mr. Cates offered the following amendment to the bill, H. 69:

Amend H. B. 69 in Section 1, page 2, lines 11 and 12 by deleting the following words: a program to maintain current values of properties and

## AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 64; Nays 3.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Campbell, Carothers, Carter, Crawford, Crowe, Dial, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Hall, Harris, Harrison, Hill, Hilliard, Holley, Holmes (D), Hopping, Jackson (F), Jackson (R), Johnstone, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Porter, Quarles, Roberts, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Trammell, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

64

*Nays:* Messrs.: Cross, Drake and McNair.

—3

## MOTION TO POSTPONE TABLED

On motion of Mr. Baker, the motion offered by Mr. Drake, to postpone the bill, H. 69 as amended, to the tenth legislative day, was tabled.

Yeas 50; Nays 29.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Carothers, Carter, Cates, Crowe, Dial, Folmar, Gafford, Greer, Hall, Harrison, Hill, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Martin, Merrill, Morris, Porter, Quarles, Riddick, Smith (B), Smith (C), Smith (M), Sonnier, Turnham, Waggoner, Whatley, White and Wyatt.

—50

*Nays:*

Messrs.: Andrews, Barron, Boles, Campbell, Coburn, Cross, Drake, Edwards, Ford, Goodwin, Jackson (F), McCulley, McNair, Manley, Mitchem, Moore (O), Moore (W), Pegues, Plaster, Rich, Roberts, Robertson, Sasser, Sparks, Taylor, Trammell, Venable, Warren and Williams.

—29

## H. 834 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 834 from the Standing Committee on State Administration to the Standing Committee on Local Legislation No. 3.

## H. 69 RESUMED

Mr. Kelley offered the following amendment to the bill, H. 69 as amended:

Amend H. 69 on page 2, Section 1, line 14 by deleting the following:



## 8th Day

"on and after the adoption of this Act"  
and inserting in lieu thereof the following:  
"after the completion of the Reappraisal program"

## AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, White, Williams and Wyatt.

—84

## AMENDMENT OFFERED

Mr. Drake offered the following amendment to the bill, H. 69 as amended:

This Act shall not apply to Cullman County.

## AMENDMENT TABLED

On motion of Mr. Baker, the amendment offered by Mr. Drake to the bill, H. 69 as amended, was tabled.

Yeas 38; Nays 31.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Carothers, Cates, Crawford, Folmar, Gafford, Greer, Gregg, Hill, Holley, Holmes (A), Hopping, Howard, Johnstone, Kinsey, Leonard, Lockett, Lutz, McMillan, McNees, Merrill, Morris, Owens, Porter, Quarles, Riddick, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Turnham, Waggoner, White and Wyatt.

—38

Nays:

Messrs.: Andrews, Barron, Boles, Campbell, Coburn, Cross, Crowe, Drake, Edwards, Ford, Goodwin, Harrison, Hilliard, Holmes (D), Jackson (R), McNair, Manley, Martin, Moore (O), Moore (W), Naramore, Pegues, Plaster, Reed, Rich, Roberts, Robertson, Sasser, Starkey, Taylor and Trammell.

—31

## REPORT OF THE STANDING COMMITTEE

## ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 21. HONORING JUDGE G. KYSER LEONARD OF TAL-  
LADEGA ON HIS RETIREMENT.

And finds same correctly enrolled.

TOM DRAKE,  
Chairman.

## SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

## H. 69 RESUMED

## AMENDMENT OFFERED

Mr. Manley offered the following amendment to the bill, H. 69 as amended:

This Act shall not apply to Choctaw, Marengo, Perry and Sumter Counties.

## AMENDMENT TABLED

On motion of Mr. Baker, the amendment offered by Mr. Manley to the bill, H. 69 as amended, was tabled.

Yeas 53; Nays 25.

## Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Carothers, Cates, Crawford, Dial, Folmar, Ford, Gafford, Glass, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Leonard, Lockett, Lutz, McMillan, McNees, Merrill, Morris, Owens, Porter, Quarles, Riddick, Roberts, Smith (B), Smith (C), Smith (J), Smith (M), Turnham, Waggoner, White, Wyatt and Shoemaker.

—53

## Nays:

Messrs.: Andrews, Barron, Boles, Campbell, Carter, Clark, Cross, Drake, Edwards, Goodwin, Killian, Manley, Martin, Moore (O), Moore (W), Pegues, Plaster, Rich, Robertson, Sandusky, Sasser, Sparks, Taylor, Trammell and Williams.

—25

## MOTION TO RECESS LOST

The motion offered by Mr. Manley that the House recess for ten minutes was lost.

## H. 69 RESUMED

## AMENDMENT OFFERED

Mr. Warren offered the following amendment to the bill, H. 69 as amended:

Amend Section 1 of H. 69 by adding immediately after the period at the end of the sentence on line 12, page 3 the following:

"Nothing in this Act shall be construed to authorize the increase of any property assessment."

## AMENDMENT TABLED

On motion of Mr. Baker, the amendment offered by Mr. Warren to the bill, H. 69 as amended, was tabled.

Yeas 52; Nays 29.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Brindley, Cates, Crowe, Folmar, Ford, Gafford, Glass, Greer, Hall, Harrison, Hill, Hilliard, Hines, Holley, Hopping, Howard, Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lockett, Lutz, McCluskey, McMillan, McNees, Martin, Merrill, Mitchem, Morris, Porter, Quarles, Riddick, Roberts, Smith (B), Smith (C), Smith (J), Smith (M), Starkey, Turnham, Waggoner, White and Wyatt.

—52

*Nays:*

Messrs.: Andrews, Barron, Boles, Buskey, Campbell, Carothers, Clark, Crawford, Cross, Drake, Edwards, Goodwin, Holmes (A), Holmes (D), Manley, Moore (O), Moore (W), Pegues, Plaster, Rich, Robertson, Sandusky, Sasser, Sonnier, Sparks, Taylor, Trammell, Warren and Williams.

—29

## AMENDMENT OFFERED

Mr. Reed offered the following amendment No. 1 to the bill, H. 69 as amended:

Amend H. B. 69 page 1 lines 13 and 28 by deleting the word "one" (1) and inserting in lieu thereof the word "five" (5) and on page 2 line 23 by deleting the word "one" (1) and inserting in lieu thereof the word "five" (5).

## AMENDMENT TABLED

On motion of Mr. Baker, the amendment No. 1 offered by Mr. Reed to the bill, H. 69 as amended, was tabled.

Yeas 56; Nays 13.

*Yeas:*

Messrs.: Albright, Armstrong, Baker, Biddle, Carothers, Cates, Crawford, Cross, Dial, Folmar, Ford, Gafford, Greer, Hall, Harrison, Hill, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Porter, Quarles, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Taylor, Turnham, Waggoner, White and Williams.

—56

*Nays:*

Messrs.: Andrews, Barron, Buskey, Campbell, Crowe, Drake, Edwards, Hilliard, Holmes (A), Pegues, Plaster, Rich and Robertson.

—13

## AMENDMENT OFFERED

Mr. Clark offered the following amendment to the bill, H. 69 as amended:

This Act shall not apply to Pickens, Greene, Hale, Choctaw, Morgan, Cullman, Sumter, Marengo and Perry Counties.

#### AMENDMENT TABLED

On motion of Mr. Baker, the amendment offered by Mr. Clark to the bill, H. 69 as amended, was tabled.

Yeas 48; Nays 20.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Carothers, Cates, Crawford, Dial, Folmar, Ford, Gafford, Greer, Hall, Harrison, Hill, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kennedy, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, Martin, Merrill, Mitchem, Naramore, Owens, Porter, Quarles, Smith (B), Smith (J), Smith (M), Turnham, Venable, Waggoner, Whatley, White and Wyatt.

—48

*Nays:*

Messrs.: Andrews, Barron, Boles, Campbell, Clark, Cross, Drake, Edwards, Glass, Hilliard, Holmes (A), Manley, Moore (O), Pegues, Plaster, Rich, Robertson, Sasser, Trammell and Williams.

—20

#### AMENDMENT OFFERED

Mr. Reed offered the following amendment No. 2 to the bill, H. 69 as amended:

Amend H. B. 69, page 1 lines 13 and 28 and page 2 line 23 by deleting the word "one" (1) and inserting in lieu thereof the word "two" (2).

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 64; Nays 15.

*Yeas:*

Mr. Speaker, Albright, Andrews, Baker, Barron, Boles, Campbell, Carothers, Cates, Clark, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Glass, Goodwin, Hall, Harrison, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lewis, Lockett, McCluskey, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Sandusky, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Taylor, Trammell, Venable and White.

—64

*Nays:*

Messrs.: Armstrong, Biddle, Falkenburg, Gafford, Greer, Hill, Leonard, Lutz, Robertson, Sasser, Smith (M), Turnham, Waggoner, Williams and Wyatt.

—15

MOTION TO POSTPONE TABLED

On motion of Mr. Baker, the motion offered by Mr. Drake to temporarily postpone the bill, H. 69 as amended, was tabled.

Yeas 53; Nays 31.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Brindley, Carothers, Carter, Cates, Crawford, Dial, Drake, Falkenburg, Folmar, Gafford, Greer, Hall, Harrison, Hill, Hilliard, Hines, Holley, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, Martin, Merrill, Morris, Owens, Porter, Quarles, Roberts, Smith (B), Smith (J), Smith (M), Sonnier, Turnham, Venable, Waggoner, White and Wyatt.

—53

*Nays:*

Messrs.: Andrews, Barron, Boles, Buskey, Campbell, Clark, Cross, Crowe, Edwards, Ford, Glass, Goodwin, Holmes (A), Holmes (D), McNair, Manley, Mitchem, Moore (O), Moore (W), Pegues, Plaster, Reed, Rich, Robertson, Sasser, Shelton, Sparks, Taylor, Trammell, Warren and Williams.

—31

MOTION TO POSTPONE TABLED

On motion of Mr. Baker, the motion offered by Mr. Moore (W) to postpone the bill, H. 69 as amended, to the eleventh legislative day was tabled.

Yeas 53; Nays 33.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Brindley, Carothers, Cates, Crawford, Crowe, Dial, Folmar, Greer, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, Martin, Merrill, Mitchem, Morris, Owens, Porter, Quarles, Sandusky, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Turnham, Waggoner, Whatley, White and Wyatt.

—53

*Nays:*

Messrs.: Andrews, Barron, Biddle, Boles, Campbell, Carter, Clark, Cross, Drake, Edwards, Ford, Glass, Goodwin, Holmes (A), Holmes (D), Kinsey, Manley, Moore (O), Moore (W), Pegues, Plaster, Reed, Rich, Roberts, Robertson, Sasser, Shelton, Sparks, Taylor, Trammell, Venable, Warren and Williams.

—33

And the bill:

H. 69. To amend Section 5, Act 160, Third Special Session, 1971 Legislature, providing for maintenance of property values and ownership maps in each county after completion of the statewide reappraisal program; providing that the Department of Revenue establish such a program for uniformity of procedures and records; providing that field men involved in classifying property shall have two years experience in appraisal of real property; providing the method for payment of such maintenance appraisal and mapping program. Repeals laws in conflict with this Act.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 33.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Brindley, Buskey, Carothers, Cates, Crawford, Dial, Falkenburg, Folmar, Gafford, Greer, Hall, Harrison, Hill, Hilliard, Hines, Holley, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Martin, Merrill, Mitchem, Morris, Owens, Porter, Quarles, Reed, Roberts, Sandusky, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Turnham, Waggoner, Whatley and White.

—57

*Nays:*

Messrs.: Andrews, Barron, Boles, Campbell, Carter, Clark, Cross, Crowe, Drake, Edwards, Ford, Glass, Goodwin, Holmes (A), Holmes (D), Lee, McNees, Manley, Moore (O), Moore (W), Naramore, Pegues, Plaster, Rich, Robertson, Sasser, Shelton, Sparks, Taylor, Trammell, Venable, Warren and Williams.

—33

## RESOLUTION

The following resolution was introduced:

By Mr. Moore (W):

H. J. R. 106. DIRECTING THE BUILDING COMMISSION TO STUDY THE FEASIBILITY OF CONSTRUCTING A BUILDING TO HOUSE THE HIGHWAY DEPARTMENT AND CONVERTING THE PRESENT BUILDING FOR LEGISLATIVE AND OTHER DEPARTMENTAL USE, AND TO CONSIDER BUYING AND HOLDING ADDITIONAL PROPERTY FOR FUTURE USE.

WHEREAS, the State of Alabama already owns property near or adjacent to buildings currently in use by the State Highway Department; and

WHEREAS, the Highway Department can function and perform their duties equally as well away from the Capitol Complex as they do now in their present location, but legislative offices and some other state departments, by virtue of the services they perform, must and should be located in close proximity to the Capitol; and

WHEREAS, should additional property be needed in the future by the Highway Department, it is only logical and fiscally responsible that property be purchased in an area where property values are much lower than those in the downtown or Capitol area; and

WHEREAS, a bill is now pending in the Senate that would create the Alabama Capitol Building Authority and empower such Authority to purchase property located East of the Capitol and bounded by Washington and Monroe Avenues to be used by the Legislature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we direct the Building Commission to study the feasibility of constructing a building to house the Highway Department on state-owned property where the highway shops are now located, and convert the present Highway Department building for use by the Legislature and by other state departments that

need to remain close to the Capitol Complex but are currently located in buildings leased from private owners. The Building Commission shall consider the state's buying the property East of the Capitol, between Washington and Monroe, and using any suitable buildings thereon as a source of rental income for the state until such property is needed for building purposes. If, however, said buildings are unusable, the state shall be authorized to demolish them and hold this property for use as needed in the future to expand the Capitol Complex for departments needing close physical access to the Capitol.

**RESOLVED FURTHER**, That the Building Commission shall report their findings and conclusions to the Legislature on the opening day of the next Regular Session.

On motion of Mr. Moore (W), the rules were suspended and the resolution, H. J. R. 106, was adopted.

Yeas 67; Nays 1.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Buskey, Campbell, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Hill, Hines, Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Merrill, Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Turnham, Venable, Waggoner, Warren, Whatley, White and Wyatt.

—67

*Nay:* Mr. Holley.

—1

#### NOTICE IN WRITING

Mr. McCluskey filed the following Notice in Writing:

#### NOTICE IN WRITING OF MOTION TO AMEND RULES

Notice is hereby given in accordance with the House Rules that on the next legislative day a motion will be made to amend House Rule No. 1 to read as follows:

Rule 1. The doorkeeper shall, ten minutes before the hour fixed for the meeting of the House, clear the House of all persons not entitled to the floor. The doors of each house shall be opened except on such occasions as, in the opinion of the House, may require secrecy, but no person shall be admitted to the floor of either House while the same is in session, except members of the legislature, and the spouses of current members of the House, the officers and employees of the two Houses, the governor and his secretary, representatives of the press who shall be placed by the Clerk of the House, and other persons to whom either House, by unanimous vote, may extend the privileges of its floor; provided, however, that in addition on the first legislative day of any regular or special session the families of the members of the House shall have the privilege of the floor, for that legislative day only.

(1) When former members are on the floor of the House, they shall not be engaged in any lobbying activities.

(2) This rule shall be enforced by the Clerk of the House with or without the suggestion of any member of the House.

## MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Falkenburg, the rules were suspended in order to take up out of order the bill, H. 198.

Yeas 56; Nays 4.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Biddle, Boles, Buskey, Campbell, Carter, Cates, Crawford, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Greer, Harris, Hines, Holley, Holmes (D), Jackson (F), Johnstone, Kelley, Kennedy, Killian, Lee, Lewis, Lutz, McCluskey, McMillan, Manley, Martin, Merrill, Moore (W), Naramore, Pegues, Plaster, Quarles, Reed, Sandusky, Sasser, Shelton, Smith (B), Sonnier, Sparks, Starkey, Taylor, Turnham, Waggoner, Warren, Whatley, White and Williams.

—56

Nays: Messrs.: Barron, Hall, Leonard and Rich.

—4

And the bill:

H. 198. A bill to promote the public health of the State of Alabama by safeguarding the financial integrity of health care institutions against malpractice claims; to authorize the establishment, maintenance, administration and operation of any trust establishment by hospitals or health care units, licensed as such by the State of Alabama, as grantors and as beneficiaries, for the purpose of insuring against general public liability claims based upon acts or omissions of such hospitals or health care units, including without limitation, claims based upon malpractice; to amend Section 12 of Act No. 407, Acts of Alabama, 1971 Regular Session (Section 12, Title 28A, Alabama Code of 1940, as amended), and particularly Section 12 thereof so as to exempt such insurance trust operations from all of the provisions of that title and of the Alabama Insurance Code; to limit the obligations and liabilities of any hospital or health care unit participating in such a trust to the obligation to pay the contributions required of it by any trust agreement to which it is a party; and to provide that this act shall apply to, and shall confer all rights, privileges, exemptions and immunities upon any trust established for the purposes contemplated by this act, and the grantors, members, beneficiaries, participants and trustees thereof, whether such trust was established before or after the effective date of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lockett, Lutz, McCluskey, McMillan, Manley, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, Williams and Wyatt.

—78



UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Johnstone and Reed added as co-sponsors to the bill, H. 198.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Falkenburg, the rules were suspended in order to take up out of order the bill, H. 195.

Yeas 66; Nays 6.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Carothers, Carter, Cates, Clark, Crawford, Cross, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Harris, Hill, Hillard, Hines, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Lutz, McCluskey, McMillan, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Whatley and Williams.

—66

*Nays:* Messrs.: Barron, Hall, Leonard, Lewis, Lockett and Riddick. —6

And the bill:

H. 195. To amend Section 12 of Act No. 407, Acts of Alabama, 1971 Regular Session (Section 12, Title 28A, Code of Alabama 1940, as amended) so as to exempt from the Alabama Insurance Code a trust established by The University of Alabama in Birmingham and its faculty, employees and affiliated organizations for the purpose of wholly or partially providing indemnification against liability claims based upon acts of omissions including without limitation claims based upon malpractice of physicians who are members of the faculty of the University of Alabama School of Medicine and residents and interns employed by the University of Alabama Hospitals for services performed in the Medical Center of The University of Alabama in Birmingham or elsewhere; other employees of the University of Alabama Hospitals and the hospitals located within the Medical Center of The University of Alabama in Birmingham in which such physicians and employees perform services and other persons engaged in the delivery of health care who are associated with the University of Alabama in Birmingham.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 82; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, Williams and Shoemaker.

—82

## UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Holmes (A), Quarles, Andrews, Kennedy, Johnstone, Armstrong and Holley added as co-sponsors to the bill, H. 195.

## BILLS ON THIRD READING RESUMED

And the bill:

H. 127. To authorize the superintendent of the state department of education to contract with any independent firm of his choice, within or without the state and without regard to the state competitive bid laws, for the purpose of conducting an independent study and presenting a program for the regional day school educational needs of the deaf in Alabama, and appropriates a supplemental amount not to exceed \$100,000 out of the Alabama Special Education Trust Fund, to cover the cost of such study, to the state department of education for the current fiscal year; and to require that the state superintendent of education report the conclusions and recommendations to the legislature by the first day of the 1978 Regular Session.

Which was postponed on the fourth legislative day, was taken up.

## H. 127 POSTPONED

On motion of Mr. Sandusky, the bill, H. 127, was postponed to the ninth legislative day.

## MOTION TO ADJOURN LOST

The motion offered by Mr. Biddle that the House adjourn until 1:00 o'clock p. m., Tuesday, March 1, 1977, was lost.

Yeas 33; Nays 47.

Yeas:

Messrs.: Baker, Biddle, Buskey, Carter, Clark, Crawford, Crowe, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Hilliard, Hopping, Jolly, Kennedy, Lee, Lewis, Lutz, Manley, Martin, Merrill, Moore (W), Porter, Reed, Roberts, Sasser, Shelton, Sparks, Taylor, Waggoner and Williams.

—33

Nays:

Mr. Speaker, Albright, Andrews, Armstrong, Barron, Brindley, Campbell, Carothers, Cates, Coburn, Falkenburg, Glass, Greer, Hall, Hill, Hines, Holley, Holmes (A), Holmes (D), Jackson (F), Johnstone, Kelley, Killian, Kinsey, Leonard, Lockett, McCluskey, McCulley, McMillan, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Sandusky, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Trammell, Turnham, Venable, Warren and Whatley.

—47

## BILLS ON THIRD READING RESUMED

And the bill:

H. 11. (With Substitute): To authorize the state department of education to establish and maintain public kindergarten programs as an integral part of the public schools in Alabama, and to provide an appropria-

tion from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1978.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To authorize the state department of education to establish and maintain public kindergarten programs as an integral part of the public schools in Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The state department of education is hereby authorized to establish programs for five-year-olds as an integral part of the public school systems of Alabama beginning with the school year 1977-78. This program will be voluntary on the part of students.

Section 2. The state department of education is authorized to provide for the establishment of such programs and to work cooperatively with local boards of education in implementing programs.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective October 1, 1977.

And the substitute was adopted.

Yeas 68; Nays 3.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Carter, Cates, Clark, Coburn, Crawford, Cross, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (D), Jackson (F), Johnstone, Jolly, Kelley, Kinsey, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, Martin, Merrill, Moore (O), Naramore, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Sandusky, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, Williams and Wyatt.

—68

Nays: Messrs. Killian, Manley and Moore (W).

—3

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Andrews, Baker, Biddle, Buskey, Callahan, Carter, Crawford, Folmar, Ford, Glass, Goodwin, Greer, Hall, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Johnson, Johnstone, Kennedy, Leonard, McCulley, Merrill, Porter, Quarles, Riddick, Robertson, Sandusky, Shelton, Smith (J), Smith (M), Sonnier, Starkey, Warren, Whatley and Wyatt added as co-sponsors to the bill, H. 11.

## CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and Joint Resolutions herein-after mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 10:45 A. M. On February 24, 1977

H. 51  
H. 52  
H. 135  
H. 252  
H. 372  
H. J. R. 88  
H. J. R. 90  
H. J. R. 75  
H. J. R. 76  
H. J. R. 77  
H. J. R. 78  
H. J. R. 79  
H. J. R. 80  
H. J. R. 81  
H. J. R. 94  
H. J. R. 95  
H. J. R. 96

Delivered to the Governor at 2:00 P. M. On February 24, 1977

H. J. R. 21

JOHN W. PEMBERTON,  
Clerk.

## ADJOURNMENT

On motion of Mr. Biddle and pursuant to the resolution, H. R. 105 heretofore adopted, the House adjourned until 1:00 o'clock p. m., Tuesday, March 1, 1977.

Yeas 47; Nays 39.

Yeas:

Messrs.: Armstrong, Baker, Biddle, Boles, Brindley, Carter, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Harris, Hopping, Johnson, Jolly, Kelley, Kennedy, Lee, Lewis, Lutz, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Pegues, Porter, Quarles, Roberts, Robertson, Sasser, Shelton, Smith (M), Sparks, Taylor, Trammell, White and Williams.

—47

Nays:

Mr. Speaker, Andrews, Barron, Buskey, Campbell, Carothers, Falkenburg, Glass, Greer, Hall, Harrison, Hill, Holley, Holmes (A), Holmes (D), Jackson (F), Johnstone, Killian, Kinsey, Leonard, Lockett, McCluskey, McCulley, McMillan, Naramore, Owens, Plaster, Rich, Riddick, Sandusky, Smith (B), Smith (C), Sonnier, Starkey, Turnham, Venable, Waggoner, Warren and Wyatt.

—39

## NINTH DAY

House of Representatives  
Montgomery, Alabama  
Tuesday, March 1, 1977

The House met pursuant to adjournment.

## PRAYER

The session was opened with prayer by the Reverend Emory Green, Dalraida Baptist Church, Montgomery, Alabama.

## ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—101

A quorum was present.

## REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eighth legislative day and finds the same to be correct.

TOM DRAKE,  
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the eighth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the eighth legislative day was approved.

## LEAVES OF ABSENCE

At the request of Mr. McNair, leave of absence was granted for Mr. Jolly, due to illness.

At the request of Mr. Sonnier, leave of absence was granted for Mr. Cooper, due to an injury.

## RESOLUTION

The following resolution was introduced:

By Mr. Campbell:

H. R. 107. URGING THE ALABAMA SENATE TO TAKE ACTION ON THE RESOLUTION TO REJECT THE REPORT OF THE STATE JUDICIAL COMPENSATION COMMISSION

WHEREAS, the House of Representatives has ordered and passed a resolution soundly rejecting the report and recommendations of the State Judicial Compensation Commission for salaries and allowances for the judiciary, and for district attorneys whose compensations are tied by law to that of circuit judges; and

WHEREAS, salaries and allowances for the judiciary in the State of Alabama are within reasonable fiscal means of the state treasury which is far from true of those recommended to the legislature by the Judicial Compensation Commission; and

WHEREAS, high salaries granted to the judiciary will result in even greater pensions when these judges and their wives reach retirement age. Retired Supreme Court Judges for example currently receives \$25,125 and their widows \$10,050, with proposed increases to \$30,000 and \$12,000 respectively; Appellate Court Judges' and widows' pensions would increase from \$24,750 and \$9,900 to a proposed \$28,875 and \$11,550; and pensions of Circuit Court Judges and widows would rise from \$18,750 and \$7,500 to \$27,375 and \$10,950, as proposed; and

WHEREAS, it is mandatory, if we are to govern wisely, to see that fiscal responsibility prevails and that the State of Alabama ceases to operate beyond its means; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That we memorialize the Alabama Senate to bring up, with all due haste, the resolution of rejection of the proposed recommendations of the Judicial Compensation Commission, and act upon it immediately.

BE IT FURTHER RESOLVED, That the Clerk of the House send a copy of this resolution to each member of the Senate.

On motion of Mr. Campbell, the rules were suspended and the resolution, H. R. 107, was adopted.

#### BILLS ON SECOND READING

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendments, and they were severally read a second time and placed on the Calendar, to-wit:

H. 481. (With Amendments): To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, and for interest on the public debt and for the public schools, for the fiscal year beginning October 1, 1977.

H. 482. (With Amendments): To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1978.

Mr. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 832. TO AMEND Section 8 of Act No. 516 enacted at the 1955 Regular Session of the Legislature of the State of Alabama, as amended, relative to Medical Clinic Boards (codified as Section 11-58-10 of the Code of Alabama 1975), to provide that the principal amount of any refunding bonds that may be issued, shall not exceed the principal of the bonds to be refunded, any expenses estimated to be incurred in

connection with such refunding and interest (accrued or to accrue) to the respective maturity dates of the bonds to be refunded or, if the bonds to be refunded are to be called for redemption, either on the earliest date on which under their terms they may be redeemed or some later date or dates, the interest (accrued or to accrue) on the bonds to be refunded to the date or dates on which they are to be called for redemption, plus the amount of any redemption premium required by their terms to be paid as a condition to their redemption prior to their respective maturities.

Mr. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 820. (With Amendment): To require registration of investment advisers and associated persons, and to provide, in addition to their present functions and duties, the functions and duties of the Alabama Securities Commission and its Director (established under Act No. 740 enacted at the 1969 Regular Session of the Alabama Legislature, Acts of 1969, p. 1316, et seq.), to establish prohibited acts, to authorize the imposition of criminal, civil and administrative penalties, to authorize the Securities Commission to swear out and execute warrants of arrest, to provide for assessment of filing fees by the Securities Commission; and to provide relief from orders of the Commission by judicial review.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 244. To authorize the county governing body of counties having a population of not less than 17,000 nor more than 20,000 inhabitants according to the 1970 or any subsequent federal decennial census to establish the position of deputy coroner and to set and pay from the county general fund the salary and any reasonable expense allowance for such office; and to prescribe the duties of such office.

H. 438. Relating to Chambers County; providing for the reorganization of the county board of education and providing for election and length of term for the new members of such board.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 580. (With Amendment): Relating to Elmore County; to provide for a chief deputy sheriff, an assistant chief deputy sheriff and other deputies sheriff of Elmore County, Alabama; and to provide for their compensation, and to repeal conflicting laws.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 623. Relating to counties having a population of not less than 41,750 nor more than 45,000 according to the 1970 or any subsequent

federal decennial census; providing that any three municipalities under the purview of this act may jointly form a board of water and sewer commissioners under the provisions of Act No. 775, S. 274, 1951 Regular Session, as amended [Acts of 1951, p. 1359; now appearing in Code of Alabama, Recompiled 1958, Title 37, Sections 402 (28)-402 (46)] and to further provide that such municipalities may alter the membership and organization of the board.

H. 727. To alter or rearrange the boundary lines of the town of Cedar Bluff, Cherokee County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cedar Bluff, Alabama.

H. 729. To provide for the night hunting and taking of racoons and opossums with the use of a light and/or shotgun using shot no larger than number eight, or with a 22-caliber rimfire rifle using 22-caliber-short ammunition in all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the 1970 or any subsequent federal decennial census.

H. 788. Proposing an amendment to the Constitution of Alabama relating to placing the probate judge, the tax assessor, and the tax collector of Choctaw County on a salary basis of compensation.

The above bill was read a second time at length as required by the Constitution.

H. 806. To amend further Section 3 of Act No. 1945, H. 584, Regular Session 1971 (Acts 1971, p. 3143), as last amended, which provides for and regulates the employment of county engineers so as to provide that the county engineer in certain counties need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of the county engineer's salary.

S. 406. Relating to Crenshaw county; to provide that the sheriff shall be entitled to the allowance payable by the state for feeding prisoners; to provide that the provisions of this act shall be retroactive.

S. 408. Relating to Crenshaw County; to provide for the employment of clerks, secretaries, and clerical assistants to perform duties in the Office of the Judge of Probate and in the Office of the Sheriff of Crenshaw County; to provide for the salaries of all such employees; and to authorize the Crenshaw County Commission or other like governing body to pay salaries or any portion thereof of existing and future clerks, secretaries and clerical assistants employed by the Judge of Probate and the Sheriff and who are performing duties in such respective offices; and making the provisions of this act retroactive to October 1, 1973.

H. 645. Relating to counties having a population of not less than 110,000 nor more than 150,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide for the salaries and expense allowances of certain county officers in such counties.

H. 663. To regulate further the excusing of persons from jury service in the Eighteenth Judicial Circuit; to require persons excused from jury service at one time to serve at a subsequent time; and to regulate the compensation of jurors who serve under certain conditions.

H. 708. To propose an amendment to the Constitution of Alabama providing for home rule for Escambia County or any municipality within Escambia County.

The above bill was read a second time at length as required by the Constitution.



H. 764. Relating to any county having a population of not less than 27,000 nor more than 27,900 according to the 1970 or any subsequent federal decennial census; exempting all volunteer fire departments within any such county from the payment of all state, county and municipal sales and use taxes.

S. 399. To provide a form of municipal government to be known as the mayor-council form of government, which may be adopted by any city in the State of Alabama having a population of not less than 60,000 nor more than 125,000 according to the last or any succeeding federal or municipal census; to provide the method by which any such city may adopt the mayor-council form of government; to provide for the calling and holding of elections to vote thereon; to define and provide the legal status, form of government and powers of any such city under the mayor-council form of government; to provide as the governing body of such city a city council; to provide for the number of members of the council, their election and terms of office; to provide the functions, duties, powers and authority of the city council; to provide for the election, appointment or designation of officers and employees of the city and for their qualifications, duties, functions, powers and authority; to provide for the election, term, qualifications and compensation of a mayor and for the filling of vacancies in the office of mayor and to provide the duties and authority of the mayor; to provide for the control of the finances of such city; to provide for an annual budget, its preparation, submission, and adoption and the effect thereof; to create and define the powers, functions, duties and authority of the department of finance and the director of the department of finance; to regulate purchases and contracts of such city; to provide for the terms and effects of succession in government of any city adopting the mayor-council form of government; to make various other provisions for any such city which adopts the mayor-council form of government and for the government thereof; and to provide for the means of abandoning the mayor-council form of government and the adoption of the city of other forms of municipal government in lieu thereof.

Mr. Callahan, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 836. To alter or rearrange the boundary lines of the City of Satsuma, Mobile County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Mobile County, Alabama.

#### RESOLUTIONS

The following resolutions were introduced:

By Mr. Manley:

H. R. 108. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when the House adjourns today it will adjourn to meet again on Thursday, March 3, 1977, at 10:00 A.M.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 108, was adopted.

Also:

By Mr. Killian:

H. J. R. 109. CREATING A PERMANENT ADVISORY COMMISSION KNOWN AS THE DEKALB COUNTY ROAD AND BRIDGE

**ADVISORY BOARD TO DEVELOP PLANS FOR ROAD IMPROVEMENTS IN DEKALB COUNTY.**

WHEREAS, DeKalb County is a densely populated rural area which has more road mileage than any other county in the State of Alabama, excepting Jefferson County; and

WHEREAS, more than one-half of the roads in DeKalb County are unpaved; and

WHEREAS, due to many factors, the roads of DeKalb County are in great state of disrepair causing great inconvenience and problems for the citizens of this county; and

WHEREAS, there is an urgent need for developing plans for the betterment of roads in DeKalb County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a permanent advisory commission known as the DeKalb County Road and Bridge Advisory Board to develop plans for the betterment of roads in DeKalb County. Such board shall be composed of two (2) persons from each of the four commission districts of DeKalb County, two (2) employees or former employees of the State Highway Department, one (1) engineer, one (1) attorney, one (1) rural mail carrier and one (1) school bus driver. All members of said board shall be appointed jointly by the members of the DeKalb County Legislative Delegation. Such members shall serve without compensation.

The board herein created will be charged with the responsibility of making recommendations on how to improve the overall road program in DeKalb County, including developing both short and long range plans for road development, studying revenue and grant possibilities from all sources, analyzing various methods for more effective use of available revenues, and, in general, advising the DeKalb County Legislative Delegation in all matters relative to improvement of the road program in said County.

Said board shall, upon its first meeting, and any meeting thereafter, promulgate rules and procedures for conducting its business. Such board shall elect officers from among its members including a chairman, vice chairman, and secretary.

Board meetings shall be held at least once quarterly at a time and place designated by the chairman and on such other occasions as the board shall deem necessary. Following each meeting the secretary of said board shall submit a written report to the members of the DeKalb County Legislative Delegation and to the chief engineer of the State Highway Department in DeKalb County, Alabama.

The DeKalb County Commission is hereby authorized, but not required, to provide mapping equipment, office supplies, and a meeting place for the DeKalb County Road and Bridge Advisory Board.

On motion of Mr. Killian, the rules were suspended and the resolution, H. J. R. 109, was adopted.

**INTRODUCTION OF BILLS**

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Gafford (With Notice and Proof):

H. 841. To provide that Jefferson County will pay to the chair-

man of the board of registers of Jefferson County, Alabama, longevity pay in the amounts and at the times provided for in the Act.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 841, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Biddle:

H. 842. To define the standard of care of owners, agents and employees of professional hockey organizations; to provide a definite statute of limitations in liability actions against professional hockey organizations; to require settlement agreements to be in writing; to prevent advance payments from being considered admissions of liability; to define the defenses of assumption of risk and contributory negligence as applied to complaints alleging professional hockey organization liability; in lieu of the scintilla rule of evidence, to require evidence of substantial weight and probative value to raise a jury question in professional hockey organization liability actions; to establish outer limits of liability of professional hockey organizations for liability actions against them.

Judiciary.

By Messrs. Waggoner, Armstrong, Biddle and White:

H. 843. To provide for the establishment, regulation of, and an appropriation for the financing of a scholarship loan and awards program for the study of dentistry; replacing Act No. 793 of Acts of Alabama, Regular Session, 1965.

Ways and Means.

By Messrs. Waggoner, Biddle, Armstrong and White:

H. 844. To provide for a scholarship program for medical education; to repeal Act No. 278 adopted at the First Special Session of 1965 of the Legislature of Alabama and making an appropriation therefor.

Ways and Means.

By Mr. McCluskey:

H. 845. Relating to counties having populations of not less than 10,660 nor more than 10,900 inhabitants according to the 1970 or any subsequent federal decennial census; providing further for the regular meeting date of the county commission in any such county.

Local Legislation No. 1.

By Mr. McCluskey:

H. 846. Relating to crimes and offenses; to provide for the crime of impersonating a peace officer; and to provide penalties for violations.

Local Government.

By Mr. Crowe:

H. 847. To require persons or companies bidding on asphalt plant mix to be sold to the State of Alabama to be licensed contractors as set out in Code of Alabama 1940, Title 46, Section 73, as amended, and requiring such asphalt plants to be inspected and certified by the Highway Department that it is capable of producing the amount required by the bid.

State Administration.

By Messrs. Crowe and Owens:

H. 848. To provide for an insurance guaranty association so as to avoid financial loss to claimants or policyholders because of the insolvency of an insurer; to provide for definitions; to provide for a board of directors and powers and duties of the association; to provide for powers and duties of the commissioner; to provide for certain tax exemptions and immunity; and to provide for termination procedures and distribution of funds.

Insurance.

By Messrs. Carter and Moore (W) (With Notice and Proof):

H. 849. Relating to Limestone County; giving the county governing body certain powers in regard to maintaining roads and rights-of-way leading to homes or residences on private property.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 849, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Carter and Moore (W) (With Notice and Proof):

H. 850. Relating to Limestone County; to authorize the county commission to appropriate an amount not to exceed \$3,000 in their annual budget for industrial promotion.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 850, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Carter, Martin, Roberts, Cross and Gafford:

H. 851. To provide for a privilege license for automotive dismantlers and recyclers; to fix a fee for such privilege license; to provide for the business which may be carried on under such privilege license; to set qualifications of what will be needed to obtain such a privilege license; to provide for cancellation or revocation of such license; to prohibit violations of this act, to fix a penalty herefor; and to set an effective date.

State Administration.

By Messrs. Kinsey and McMillan (With Notice and Proof):

H. 852. Relating to Baldwin County, to provide for the creation, incorporation, organization, operation, administration, and financing of one or more local public service districts within the county as public corporations so as to provide local fire fighting and prevention services; to provide for the fixing, levy and collection by such fire districts of rates, fees and charges for such services; to provide penalties for non-payment and liens upon the property within such districts; to provide for the borrowing of money and issuance of bonds and other obligations by or on behalf of such fire districts; providing that the qualified electors of any prospective fire district shall give their prior approval to the creation of any such district as well as the rates, fees, charges, bond or other indebtedness thereto in an election thereon; to provide an election procedure for such voter approval; to prescribe the organiza-

tion, rights, powers and duties of such districts; to prescribe limitations on such rights and powers, and to repeal conflicting laws.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 852, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Kinsey and McMillan:

H. 853. To propose an amendment to the Constitution of Alabama which, if approved by the electors of this state, would authorize the Legislature, by general or local law, to provide for the creation, incorporation, organization, operation, administration and financing of one or more local districts within Baldwin County as public corporations to provide fire fighting and prevention services; to provide for the fixing, levy and collection by such fire districts of rates, fees and charges for such services, penalties for non-payment and liens upon the property within such district; to provide for the borrowing of money and the issuance of bonds and other obligations by or on behalf of such districts; providing also that the qualified electors of any prospective fire district created by any law authorized by this proposed amendment shall give their prior approval to the creation of any such district or additions thereto and the rates, fees, charges, bond issue or other financing agreements thereto in an election thereon.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Mr. Kinsey:

H. 854. To provide for the confiscation and sale of seafood cargoes where such cargoes have been taken in violation of the laws and regulations pertaining to the harvest of seafoods and for the disposition of the proceeds of such sales.

Conservation.

By Mr. Folmar (With Notice and Proof):

H. 855. Relating to Pike County; prescribing further the procedure for reidentification of registered voters so as to provide that any qualified elector who voted in any election in 1976 or who votes in any election in 1977 shall be automatically reidentified; and giving this act retroactive effect.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 855, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. McMillan:

H. 856. To amend Section 2 VI A (24) of Act No. 763, H. 387, 1976 Regular Session (Acts of 1976, p. 1047) entitled "An Act To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, and for the interest on the public debt and for the public schools", so as to make a change in one of the figures contained in the appropriation to the Alabama State Forestry Commission.

Ways and Means.

By Mr. McCulley:

H. 857. To establish length and periods of time for state employees in which they would be recognized for service to the state by increased allowances.

Ways and Means.

By Mr. Weeks:

H. 858. Relating to all counties having a population of not less than 22,575 nor more than 23,800 inhabitants according to the 1970 or any subsequent federal decennial census; to provide for the expense allowances and salaries of the members of the county commission in such counties.

Local Legislation No. 1.

By Mr. Wyatt:

H. 859. Relating to all counties having populations of not less than 150,000 nor more than 300,000 according to the last or any subsequent federal decennial census; to provide that in addition to all presently existing pistol permit fees, there is hereby levied an additional pistol permit fee in the amount of \$5.00; to provide that \$3.00 of said additional fee be paid into the County treasury for the establishment and maintenance of a fund which is hereby designated and entitled as the "Sheriff's Fund" to provide for the use of said Sheriff's Fund; to provide that \$1.00 of the additional fee collected shall be credited to the County's portion of contribution for Class II employees, under any retirement plan in effect in said County; the remaining \$1.00 of the additional fee collected shall be credited to the General Fund of the County.

Local Legislation No. 4.

By Mr. Wyatt:

H. 860. Relating to all counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 or any subsequent federal decennial census; fixing the total compensation, including expense allowances, for the sheriffs in such counties, payable out of the general fund of such counties.

Local Legislation No. 4.

By Mr. McMillan:

H. 861. To provide further for the retirement of beverage control agents, license inspectors and other law enforcement officers of the Alabama Alcoholic Beverage Control Board, to allow such officers to retain their badges, commissions and certain other equipment as the board may authorize.

State Administration.

By Messrs. Owens and Crowe:

H. 862. To provide a system of reinsurance to protect policyowners, insureds, beneficiaries, annuitants, payees and assignees in Alabama life insurance companies from default on any life insurance policy, life annuity, or supplementary contracts without life contingencies issued by any such company; to create a depository reinsurance trust fund for a portion of certain assets of said companies in order to provide funds for such reinsurance; to prescribe what assets shall be approved for deposit in the reinsurance trust fund; to authorize and require the Insurance Commissioner to supervise the placing of company assets into such fund to meet the requirements of this Act; to authorize the Insurance Commissioner to transfer the life insurance policies, life

annuities, or supplementary contracts to other Alabama companies if the insurer fails to deposit the required assets; to give the policyowners a first lien on all company assets in the event of such failure; to authorize the department to change and alter the policy forms to effect the transfer of such insurance and to substitute non-participating insurance for participating insurance, keeping the face amount of the insurance intact; and to provide procedures for the supervision of the assets and activities of companies failing to comply with the terms of this Act.

Insurance.

By Mr. Owens:

H. 863. To amend Code of Alabama 1940, Title 55, Section 317 so as to remove the prohibition on state employee participation in political activities and to repeal all conflicting statutes.

State Administration.

By Mr. Killian:

H. 864. Proposing an amendment to the State Constitution, relative to placing certain limits on the ad valorem tax rates in DeKalb County.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Hall, Armstrong and Waggoner:

H. 865. To provide for the appointment of members of any water works board of any city having a population of 300,000 or more inhabitants according to the 1970 or any subsequent federal decennial census.

Local Legislation No. 2.

By Mr. Dial:

H. 866. To provide for payment to Cleburne County of a sum equal to the increase in state ad valorem tax revenues from Cleburne County because of the use for ad valorem tax purposes of the recent reappraised values of property in such county because the use of such reappraised values in Cleburne County before they were used for ad valorem tax purposes in any other county amounted to an unequal application of Alabama's tax laws; and to prescribe the county funds into which distributions of this payment shall be made.

Local Legislation No. 1.

By Messrs. Brindley and Ford (With Notice and Proof):

H. 867. Relating to Etowah County; to provide that the Etowah County Board of Education, shall have the power to borrow against revenues derived from the sale of malt or brewed beverages for capital outlay purposes; to provide for the allocation of such revenues; to provide in whom the power to secure loans shall be invested and the procedure to follow and to provide for the payment of any outstanding indebtedness should the voters of Etowah County, at any future time, vote to prohibit the legal sales of alcoholic beverages.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 867, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Manley:

H. 868. To amend Code of Alabama, 1940, as amended, Title 29, Section 12; so as to prohibit the advertising of alcoholic beverages by billboards in "dry" counties; and to permit such advertising in "wet" counties.

Judiciary.

By Messrs. Kennedy and Buskey:

H. 869. To repeal Act No. 36, H. 56, 1965 Special Session (Acts of 1965, Special Session, p. 54) entitled, "An Act to provide for and require reidentification of the registered voters of counties having a population of not less than 300,000 or more than 500,000 according to the latest or any subsequent federal census and imposing duties upon the board of registrars and other county officers and upon the electors whose names appear on the list of qualified voters in such counties."

Local Legislation No. 3.

By Mr. Kennedy:

H. 870. To provide further for the operation of all cities having a population of not less than 40,000 nor more than 45,000 inhabitants according to the most recent federal decennial census by prescribing for the exemption of certain persons from garbage taxes and repealing all conflicting laws.

Local Legislation No. 3.

By Mr. Lutz:

H. 871. To repeal Sections 116, 117 and 118, of Title 47 of the Alabama Code of 1940, and to provide for a system of recording and indexing affidavits concerning facts relating to the title to land.

Judiciary.

By Messrs. Merrill, McCorquodale, Crowe, Drake, Robertson, Manley, Holmes (D), White, Martin, Quarles, McCluskey, Shoemaker, Weeks, Pegues, Kelley, Brindley, Starkey, Riddick, Sonnier, Turnham, Smith (B), Johnson, Clark, Killian, Gafford, Folmar, Dial, Carter, Baker, Smith (M), McCulley, Wyatt, Plaster, Callahan, Harris, Owens, Waggoner, Lutz, Gregg, Falkenburg, McNees, Biddle and Moore (W):

H. 872. To provide that the Department of Public Safety shall provide and maintain a minimum of two personnel to protect the person of any former governor who while in office sustained bodily injury from any violent criminal act.

Ways and Means.

By Messrs. Waggoner, Gafford and Barron:

H. 873. To amend the provisions of the excise tax on financial institutions, codified in Chapter 18 of Title 51, Alabama Code of 1940 (Recomp. 1958), Section 425, et seq., Act No. 194, Sections 346.1 - 346.6, 1935 General Acts of Alabama, pages 428-434, to provide that bank holding companies, as defined by federal law, and certain subsidiaries and affiliates of such bank holding companies, are subject to the excise tax, that they may file consolidated returns of the tax, that they are exempt from income tax, and that the Department of Revenue shall provide rules for disbursement of the tax.

Banking.



By Messrs. Starkey and Killian:

H. 874. To provide protection to certain corporate citizens or residents of Alabama, their shareholders and employees and the public against takeover offers which do not provide full and fair disclosure of all material information, which do not provide adequate time for consideration or which are based upon unfair or inequitable terms; to prescribe regulations to insure such protection; to provide for enforcement of such regulations; to prescribe penalty for violation of such regulations and to provide for review of certain takeovers by the Alabama Supreme Court.

State Administration.

By Messrs. Taylor and Killian:

H. 875. To further regulate depositions and discovery in civil cases filed in the courts of this state, providing that the amount of coverage under any liability insurance agreement shall be subject to discovery.

Judiciary.

By Mr. Smith (J):

H. 876. Relating to counties having a population of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide that the county commission in such counties may employ a secretary for the district court judge and to set said secretary's salary.

Local Legislation No. 1.

By Mr. Smith (J):

H. 877. Relating to counties having a population of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide that the county commission in any such county may employ up to three additional assistants in the circuit clerk's office and to provide the salary for such employees.

Local Legislation No. 1.

By Mr. Smith (J):

H. 878. Relating to counties having a population of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide further for the election of the county superintendent of education and members of the county board of education.

Local Legislation No. 1.

By Mr. Smith (J):

H. 879. Relating to counties having a population of not less than 21,000 nor more than 22,000 according to the 1970 or any subsequent federal decennial census; to provide further for the salary and expense allowance of the superintendent of education.

Local Legislation No. 1.

By Mr. Smith (J):

H. 880. To abolish mandatory publication of semi-annual financial statements by the courts of county commissions, boards of revenue or like governing bodies in all counties having a population of not less than 21,000 nor more than 22,000 according to the 1970 or any subsequent federal decennial census.

Local Legislation No. 1.

By Messrs. Smith (C), Plaster, Carter, Crowe, Mitchem, Warren, Barron, Turnham, Holley, Lewis, McMillan, Kinsey, Folmar, Campbell, Robertson, Dial, Holmes (D), Taylor, Jackson (F), McNair, Baker, Pegues, Martin, Roberts, Brindley, Quarles, McCluskey, Starkey and Killian:

H. 881. Relating to pornography involving children, to provide that any person who sells, offers for sale, gives away or distributes any magazine, book, picture or movie film showing or depicting sexual conduct or any other obscene act by or on any child below the age of 17 years shall be guilty of a misdemeanor; to provide that any parent or guardian who knowingly permits or allows any child under the age of 17 years to engage in the making of any picture or film depicting sexual conduct or any other obscene act shall be guilty of a felony; to define terms; and, to prescribe penalties.

State Administration.

By Messrs. Killian, Manley and McCorquodale:

H. 882. Relating to government lobbying; to prohibit the use of public funds to lobby for or against any measure being considered by the legislature or any of its committees or by any unit of local government; and to prescribe penalties for violations.

State Administration.

By Messrs. Crowe and Folmar:

H. 883. Relating to the State Personnel Board to increase the number of members on said board from three to five; providing for the selection appointment, term of office and compensation of the additional members and repealing all conflicting statutes.

State Administration.

By Mr. Turnham:

H. 884. To make further appropriations to the Auburn University Cooperative Extension Service from the Alabama Special Educational Trust Fund for the Fiscal Year ending September 30, 1977.

Ways and Means.

By Messrs. Killian and Owens:

H. 885. To provide further for the punishment of a person upon his second conviction for the offense of driving while intoxicated.

State Administration.

By Mr. Lee:

H. 886. To exempt the Phoenix House, Inc., of Tuscaloosa, from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Mr. Reed:

H. 887. To provide an extension of time for payment of utility bills before utilities can be cut off for nonpayment.

Public Welfare.

#### RESOLUTIONS

The following resolutions were introduced:

By Mr. Carter:

H. J. R. 110. NAMING THE CHAPEL AT ATHENS STATE COLLEGE THE "CHAPEL OF PI TAU CHI."

WHEREAS, Pi Tau Chi, National Honor Society in Religion, was founded on the Athens College campus in 1923; and

WHEREAS, the founder of Pi Tau Chi, Dr. William Graham Echols, was a faculty member at Athens College; and

WHEREAS, the National Headquarters of Pi Tau Chi is located at Athens State College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body hereby names and designates the Chapel in Founders Hall at Athens State College the "Chapel of Pi Tau Chi," and directs that a plaque so designating said chapel and honoring Dr. William Graham Echols as the founder of Pi Tau Chi be placed appropriately with reference to the Chapel by the proper authorities at Athens State College.

BE IT FURTHER RESOLVED, That a copy of this resolution be furnished to the National Headquarters of Pi Tau Chi and a copy thereof sent to the President of Athens State College.

On motion of Mr. Carter, the rules were suspended and the resolution, H. J. R. 110, was adopted.

Also:

By Mr. Andrews:

H. J. R. 111. COMMENDING DR. BILL HARTLEY, PASTOR OF THE RIDGECREST BAPTIST CHURCH.

WHEREAS, the Reverend Bill Hartley has faithfully served the congregation of the Ridgcrest Baptist Church; and

WHEREAS, The Reverend Bill Hartley has devoted his life to serving ALMIGHTY GOD and helping his fellow-man; and

WHEREAS, the Reverend Bill Hartley is a saintly man and an instrument of the HOLY SPIRIT in the leadership of GOD'S FLOCK; and

WHEREAS, the Reverend Bill Hartley not only serves the needs of his congregation, but performs a vital service to his community; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Reverend Bill Hartley of the Ridgcrest Baptist Church for his services to ALMIGHTY GOD and his fellow-man and do wish him many more years of such wonderful and faithful service; and

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Reverend Bill Hartley.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 111, on the Clerk's desk for one legislative day.

Also:

By Mr. Andrews:

H. J. R. 112. COMMENDING REVEREND CLAUDE WHITEHEAD, PASTOR OF THE HUFFMAN UNITED METHODIST CHURCH.

WHEREAS, The Reverend Claude Whitehead has faithfully served the congregation of the Huffman United Methodist Church; and

WHEREAS, the Reverend Claude Whitehead has devoted his life to serving ALMIGHTY GOD and helping his fellow-man; and

WHEREAS, the Reverend Claude Whitehead is a saintly man and an instrument of the HOLY SPIRIT in the leadership of GOD'S FLOCK; and

WHEREAS, the Reverend Claude Whitehead not only serves the needs of his congregation, but performs a vital service to his community; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Reverend Claude Whitehead of the Huffman United Methodist Church for his services to ALMIGHTY GOD and his fellow-man and do wish him many more years of such wonderful and faithful service; and

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Reverend Claude Whitehead.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 112, on the Clerk's desk for one legislative day.

Also:

By Mr. Turnham:

H. J. R. 113. WHEREAS, Mr. E. L. Mayton served with distinction for 28 years as the first and only superintendent of Auburn University Agricultural Experiment Station's Piedmont Substation until his retirement in 1973; and

WHEREAS, Mr. Mayton's outstanding work in the establishment of this agricultural research station in Tallapoosa County contributed much to the agricultural progress in this region of our State; and

WHEREAS, Mr. Mayton made valuable contributions to agriculture in Alabama through his service as a teacher and researcher in the Department of Agronomy and Soils, Auburn University, from June 1, 1929, until January 1, 1945; and

WHEREAS, this graduate of Auburn University in the class of 1929 has exhibited untiring loyalty and devotion to his alma mater throughout the years, and has by his tireless support of agriculture and agricultural research contributed immeasurably to the furtherance of this State; and

WHEREAS, the Auburn University Board of Trustees has unanimously recommended the naming of the Office-Auditorium Building at the Piedmont Substation for Mr. Mayton; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that in recognition of the devotion and outstanding service of Mr. Mayton to Auburn University and to the people of the Piedmont Area and the State of Alabama, that the building be designated, named, and known as the E. L. Mayton Auditorium.

BE IT FURTHER RESOLVED that copies of this resolution be sent to Mr. Mayton and members of his family and to Auburn University for its records.

On motion of Mr. Turnham, the rules were suspended and the resolution, H. J. R. 113, was adopted.

Also:

By Messrs. Holmes (A) and McNair:

**H. J. R. 114. CONDEMNING THE VIOLENCE, TERROR AND SUPPRESSION UNDER THE GOVERNMENTS OF SOUTH AFRICA, RHODESIA AND UGANDA.**

WHEREAS, the people of America advocate equality and justice for all; and

WHEREAS, the Governments of South Africa and Rhodesia advocate the suppression of the majority of its people; and

WHEREAS, the Governments of South Africa and Rhodesia have imposed violence, terror and suppression of its people; and

WHEREAS, President Jimmy Carter has stated that he is for majority rule in South Africa and Rhodesia; and

WHEREAS, The sensitivities of civilized and compassionate persons around the world have been shocked and stunned by news of violent and terrible atrocities being committed under the leadership of President Idi Amin in Uganda, East Africa; and

WHEREAS, reports have been received of wholesale slaughter of men, women and even children, also the reputed killing of Janani Luwum, Anglican Archbishop, by Amin's own hand, in reprisal for alleged plots to depose this despicable regime under the rankest kind of dictator; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do unanimously and vigorously condemn and repudiate such violence, suppression, and terrors as those being committed by the Governments of South Africa and Rhodesia on its people.

BE IT FURTHER RESOLVED, That we do unanimously and vigorously condemn and repudiate such violence and terrors as those being committed by Idi Amin in Uganda, East Africa.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Alabama Congressional delegation with a request that it be entered in the Congressional Record, and copies to United States Ambassador to the United Nations, Andrew Young, and to the South Africa, Rhodesia and Uganda Representatives to the United Nations.

#### MOTION TO SUSPEND RULES AND ADOPT

Mr. Holmes (A) offered the motion to suspend the rules and adopt the resolution, H. J. R. 114.

#### DIVISION OF THE QUESTION

Mr. Campbell called for the Division of the Question, and the call was sustained.

#### MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Mr. Holmes (A) to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 114, and the motion was lost.

The resolution, H. J. R. 114, was read and referred to the Standing Committee on Rules.

#### BILLS ON THIRD READING

And the bill:

H. 403. Relating to any county having a population of not less than 16,600 nor more than 16,950 according to the 1970 or any subsequent federal decennial census; providing an expense allowance for the sheriff in any such county.

Was taken up.

#### H. 403 POSTPONED

On motion of Mr. Crowe, the bill, H. 403, was postponed to the tenth legislative day.

And the bill:

H. 617. To provide for the compensation of the chairman and members of the Waterworks Boards of any city having a population of not less than 18,250 nor more than 19,250 inhabitants according to the most recent or any subsequent federal decennial census; and to make the provisions of this act retroactive to October 1, 1976.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Clark, Coburn, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Hill, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Kelley, Kennedy, Kinsey, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sennier, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—74

And the bill:

H. 685. Relating to counties with populations of not less than 16,600 nor more than 16,950, authorizing and directing the State Highway Department to maintain all county roads which serve as rural mail or school bus routes.

Was taken up.

#### H. 685 POSTPONED

On motion of Mr. Sparks, the bill, H. 685, was postponed to the tenth legislative day.

And the bill:

H. 534. Proposing an amendment to the Constitution of Alabama relating to placing the probate judge, the tax assessor, and the tax collector of Sumter County on a salary basis of compensation.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Messrs.: Armstrong, Baker, Biddle, Brindley, Buskey, Campbell, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Porter, Reed, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—71

And the bill:

H. 707. To amend further Act No. 1590, S. 415, 1971 Regular Session (1971 Acts, p. 2717), which provides for establishing and enforcing rules and regulations for training, licensing and related requirements for ambulance operators, attendants, and drivers and rules and regulations for the operations, design, equipment and inspection and licensing of ambulances, and which prescribes penalties for violation of such rules and regulations and exempts certain volunteer rescue squads from the provisions of the Act, so as to delete Sumter County from provisions of this Act exempting Marengo and Sumter Counties from certain provisions of the Act and granting the county governing bodies of such counties certain regulatory powers relative to ambulances, ambulance attendants and ambulance drivers, for such purposes amending the title and Section 6 of such Act.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Campbell, Carter, Cates, Clark, Coburn, Cross, Crowe, Drake, Folmar, Goodwin, Greer, Hall, Harris, Hines, Holmes (A), Holmes (D), Howard, Jackson (F), Johnstone, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Porter, Quarles, Reed, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Waggoner, Warren, Whatley, Williams and Wyatt.

—62

And the bill:

H. 742. Relating to Morgan County and to enable Morgan County to make contributions and to provide for liability insurance, to volunteer rural fire departments organized according to law in Morgan County, Alabama and to provide life and accident insurance to the members of such organizations.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Andrews, Baker, Biddle, Brindley, Buskey, Campbell, Carter, Cates, Clark, Cross, Crowe, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Hines, Holmes (A), Holmes (D), Howard, Jackson (F), Johnstone, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Owens, Pegues, Plaster, Quarles, Reed, Roberts, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White Williams, Wyatt and Shoemaker.

—65

And the bill:

H. 743. Relating to Morgan County; to direct the judge of probate to transfer all records and lists in his custody relating to electors and voting to the board of registrars of Morgan County and to direct the board of registrars to supply to the probate judge from time to time such transferred information as may be necessary to the fulfillment of his lawful duties; and to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Buskey, Campbell, Carter, Cates, Clark, Cross, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Hilliard, Hines, Holmes (A), Holmes (D), Jackson (F), Johnstone, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Quarles, Reed, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—66

And the bill:

H. 744. (With Amendment): To amend Section 2 of Act No. 908, H. 1692, Regular Session 1971 (Acts 1971, p. 1672), which act provides for a contingent fund for certain counties classified on a population basis, so as to provide certain traveling expenses to county officials.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 744 on page 1, Section 2 line 33 insert immediately after the word, "business," the following:

, the dues of the probate judge for membership in, any other fees in connection with such membership and a subscription for the probate judge to any publication by the state and national association or or-



REGULAR SESSION  
9th Day

483

ganization of probate judges, and a reasonable allowance for clothing for non-uniformed investigators employed in the sheriff's office.

And the amendment was adopted.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Baker, Biddle, Brindley, Buskey, Campbell, Carter, Cates, Clark, Cross, Dial, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Owens, Plaster, Reed, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White and Wyatt.

—65

And the bill, H. 744 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Baker, Biddle, Boles, Brindley, Buskey, Campbell, Carter, Cates, Clark, Cross, Dial, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Killian, Kinsey, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Reed, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—67

And the bill:

H. 782. Relating to Cleburne County; to change the method of compensating the judge of probate, the tax assessor, and the tax collector; to fix the compensation of each of such officers; and to make the act retroactive as to the judge of probate.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Andrews, Baker, Biddle, Boles, Brindley, Buskey, Campbell, Carter, Cates, Clark, Cross, Dial, Drake, Edwards, Ford, Gafford, Goodwin, Greer, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Reed, Roberts, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Warren, Weeks, Whatley, White, Williams and Wyatt.

—68

## MOTION IN WRITING

Mr. Manley filed the following Motion in Writing:

Mr. Speaker, I move to temporarily carry over all bills on the calendar from page 1 through House Bill 402 on page 32, in order to take up House Bills 350, 351 and 352 on pages 32 and 33.

## SUBSTITUTE MOTION OFFERED

Mr. Holley offered the substitute motion to the Motion in Writing to postpone all bills in order to reach the bills, H. 350 and H. 351, excluding H. 352.

## SUBSTITUTE TO SUBSTITUTE MOTION TABLED

On motion of Mr. Manley, the substitute motion offered by Mr. Reed to postpone all bills in order to reach the bill, H. 157 on page 44, was tabled.

Yeas 71; Nays 16.

## Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carter, Cates, Clark, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Hill, Hines, Holley, Holmes (D), Hopping, Jackson (F), Johnstone, Kelley, Killian, Kinsey, Lee, Lutz, McCluskey, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—71

## Nays:

Messrs.: Albright, Andrews, Boles, Buskey, Hall, Harrison, Hilliard, Holmes (A), Howard, Jackson (R), Johnson, Leonard, Lewis, McNair, Naramore and Tucker.

—16

## SUBSTITUTE MOTION TABLED

On motion of Mr. Manley, the substitute motion offered by Mr. Holley to postpone all bills in order to reach the bills, H. 350 and H. 351, was tabled.

Yeas 55; Nays 37.

## Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Callahan, Campbell, Carter, Cates, Clark, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Gafford, Glass, Gregg, Harris, Hines, Holmes (D), Jackson (F), Johnstone, Kennedy, Killian, Kinsey, McCluskey, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Plaster, Quarles, Rich, Robertson, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Venable, Waggoner, Warren, Weeks, Whatley and Williams.

—55

## Nays:

Messrs.: Albright, Andrews, Barron, Boles, Brindley, Buskey, Coburn, Ford, Greer, Hall, Harrison, Hill, Holley, Holmes (A), Hopping, Howard,

**REGULAR SESSION**  
**9th Day**

485

Jackson (R), Johnson, Leonard, Lewis, Lockett, Lutz, McNair, Martin, Naramore, Pegues, Porter, Reed, Riddick, Roberts, Smith (C), Taylor, Trammell, Tucker, Turnham, White and Wyatt.

—37

**MESSAGE FROM THE SENATE**

**Mr. Speaker:**

The President and Presiding Officer of the Senate having signed the following Senate Bill and Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 251. COMMENDING JOHN A. GARRETT FOR DISTINGUISHED AND SUPERIOR SERVICE.

**Also:**

S. J. R. 252. CALLING FOR ANNUAL JOINT MEETINGS OF THE HOUSE AND SENATE JUDICIARY COMMITTEES TO SCREEN REPORTS FROM THE PRIVACY AND SECURITY COMMITTEE OF THE ALABAMA CRIMINAL JUSTICE INFORMATION CENTER COMMISSION.

**Also:**

S. J. R. 254. COMMENDING WILLIE MAYS FOR HIS OUTSTANDING BASEBALL CAREER.

**Also:**

S. J. R. 256. CONGRATULATING THE RUSSELLVILLE HIGH SCHOOL BAND ON ITS DISTINGUISHED AWARD.

**Also:**

S. 17. To make appropriations for the support and maintenance of certain private schools and institutions of higher learning located in the State of Alabama for the fiscal year ending September 30, 1977.

**McDOWELL LEE,**  
Secretary.

**SIGNING OF SENATE BILL AND SENATE JOINT RESOLUTIONS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill and Senate Joint Resolutions the titles of which are set out in the above and foregoing Message from the Senate.

**MOTION IN WRITING ADOPTED**

The question was then on the Motion in Writing filed by Mr. Manley to temporarily postpone all bills on the Calendar from page 1 through H. 402 on page 32, in order to take up the bills, H. 350, H. 351, and H. 352, on pages 32 and 33, and the Motion in Writing was adopted.

Yeas 58; Nays 38.

**Yeas:**

Mr. Speaker, Baker, Brindley, Callahan, Campbell, Carter, Cates, Clark, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Gregg, Hines, Holley, Holmes (D), Jackson (F),

Johnstone, Kelley, Killian, Kinsey, Lee, Lutz, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Rich, Robertson, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Venable, Warren, Weeks, Whatley, Williams and Wyatt.

—58

*Nays:*

Messrs.: Albright, Andrews, Armstrong, Barron, Biddle, Boles, Buskey, Coburn, Greer, Hall, Harris, Harrison, Hill, Hilliard, Holmes (A), Hopping, Howard, Jackson (R), Johnson, Kennedy, Leonard, Lewis, Lockett, McCluskey, McCulley, McNair, Martin, Naramore, Porter, Reed, Riddick, Roberts, Smith (B), Taylor, Trammell, Tucker, Turnham and White.

—38

And the bill:

H. 350. Proposing an amendment to further amend Article XI, Section 217, of the Constitution of Alabama 1901 relative to ad valorem taxation; further providing for the assessment of taxable property and the levy of such tax.

Was taken up.

#### SUBSTITUTE OFFERED

Mr. Hill offered the following substitute No. 1 to the bill, H. 350:

#### A BILL TO BE ENTITLED AN ACT

Proposing an amendment to further amend Article XI, Section 217, of the Constitution of Alabama 1901 relative to ad valorem taxation; further providing for the assessment of taxable property.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to Article XI, Section 217, of the Constitution of Alabama 1901, as amended, is proposed to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor.

#### PROPOSED AMENDMENT

Section 217 of the Constitution, as amended, is further amended by striking out the last line in subsection (b) which reads as follows, "Class III. 15 percentum" and inserting in lieu thereof the following: Class III. 10 percentum.

Also in the last paragraph of subsection (c) of said Section 217 strike out the figures and the word, "15 percentum", and insert in lieu thereof the following: 10 percentum.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article XVIII, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation

shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

MOTION TO TABLE LOST

The motion offered by Mr. Manley to table the substitute offered by Mr. Hill to the bill, H. 350, was lost.

Yeas 44; Nays 53.

Yeas:

Mr. Speaker, Brindley, Callahan, Campbell, Carter, Cates, Clark, Cross, Crowe, Drake, Edwards, Folmar, Gafford, Hines, Holley, Jackson (F), Johnstone, Killian, Kinsey, Lutz, McMillan, Manley, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Rich, Robertson, Sandusky, Sasser, Shelton, Smith (J), Sonnier, Sparks, Starkey, Venable, Warren, Weeks, Whatley, Williams and Shoemaker.

—44

Nays:

Messrs.: Albright, Andrews, Armstrong, Barron, Biddle, Boles, Buskey, Coburn, Crawford, Dial, Falkenburg, Ford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Holmes (D), Hopping, Howard, Jackson (R), Johnson, Kelley, Kennedy, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, McNair, McNees, Martin, Morris, Naramore, Porter, Quarles, Reed, Riddick, Roberts, Smith (B), Smith (C), Smith (M), Taylor, Trammell, Tucker, Turnham, Waggoner, White and Wyatt.

—53

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 10. Relating to Pike County, increasing the pistol permit fee in said county and providing for retroactive effect.

Also:

H. 114. To permit any city in the State of Alabama having a population of not less than 23,000 nor more than 27,000 inhabitants according to the 1970 or any subsequent federal decennial census to adopt the council-manager form of municipal government, to provide for the calling and holding of elections to vote thereon, to provide for the election and term of the first council, to define the legal status, form of government and powers of the city, to provide for subsequent elections of members of the council, their number and their terms of office, to provide for the qualification, powers and authority of the council, the mayor and the city clerk, and for the election of the mayor and city clerk, to provide for the appointment and removal and to define the powers of the city manager, to provide for an annual budget, its preparation, submission, adoption and effect, to create and define the powers and duties of a department of finance and of the director thereof, to regulate purchases and contracts of the city, and to define their powers and authority, to set up the terms and effects of succession in government of any city adopting the council-manager form of government, to provide for the establishment and re-establishment of districts, to make various other provisions for such form of government of any such city, and to provide for the means of abandoning the council-manager form of government.

Also:

H. 137. To authorize the county commission in all counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the 1970 or any subsequent federal decennial census to appropriate from the county general fund the necessary funds to adequately support those little league athletic programs directly affiliated with any of the public schools in such counties and to provide retroactive effect for said act.

Also:

H. 212. To authorize the Limestone County Commission to appropriate funds from the Highway Traffic Funds of said county or other funds in the County Treasury for law enforcement purposes in said county, including the payment of the salaries of any deputies that might be employed by the Sheriff of said county.

Also:

H. 393. To permit any bank, having its principal place of business in Repton, Alabama to establish, maintain, and operate, within the limits or boundaries of Conecuh County, a branch or additional office or place of business, subject to the approval of the state superintendent of banks.

Also:

H. 507. To amend Section 4 of Act No. 246, H. 871, 1976 Regular Session (Acts of 1976, p. 281), relating to purging the lists of registered voters in Colbert County and prescribing the procedure for the reidentification of registered voters; so as to increase the compensation paid members of the board of registrars and to make this act retroactive.

Also:

H. 513. Relating to Escambia County, Alabama allowing the municipal governing bodies of the City of Brewton located in such County to determine the closing hours for places selling alcoholic beverages within its city limits and police jurisdiction.

Also:

H. 382. Relating to Clay County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of Clay County.

Also:

H. 526. Relating to Bibb County; providing for the establishment of a consolidated and unified system of assessing and collecting taxes under one elective county official designated as "county tax assessor and collector"; prescribing the powers, duties, term of office and compensation of said official; providing for the manner of election to the new office; abolishing the offices of tax assessor and tax collector in Bibb County; repealing conflicting laws; and prescribing the effective date of this act.

Also:

H. 527. To amend Section 1 of Act No. 67, H. 11, Second Special Session 1965 (Acts Second and Third Special Sessions 1965, p. 92), fixing the compensation of election officers in Bibb County.

**REGULAR SESSION**  
**9th Day**

489

Also:

H. 528. To amend Section 1 of Act No. 87, H. 203, Second Special Session 1965 (Acts Second and Third Special Sessions 1965, p. 117), regulating the pay of the members of the county board of equalization of Bibb County.

Also:

H. 529. To further amend Section 1 of Act No. 258, H. 607, Regular Session 1953 (Acts 1953, p. 325) as amended, which fixes the compensation of the jury commission of Bibb County so as to provide further for the compensation of such commission.

Also:

H. 530. Relating to Bibb County; to provide for the fixing of a fee for the issuance of a pistol permit by the sheriff; and providing for the disposition and use of such fees.

Also:

H. 532. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Centreville, in Bibb County.

McDOWELL LEE,  
Secretary.

**H. 350 RESUMED**

**SUBSTITUTE LOST**

The question was then on the substitute No. 1 offered by Mr. Hill to the bill, H. 350, and the substitute was lost.

Yeas 43; Nays 54.

*Yeas:*

Messrs.: Albright, Andrews, Armstrong, Barron, Biddle, Boles, Buskey, Coburn, Crawford, Dial, Falkenburg, Ford, Goodwin, Greer, Hall, Harris, Hill, Hilliard, Holmes (A), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Kennedy, Leonard, Lewis, Lockett, McCluskey, McNair, Martin, Naramore, Porter, Quarles, Reed, Roberts, Taylor, Trammell, Tucker, Turnham, Waggoner, White and Wyatt.

—43

*Nays:*

Mr. Speaker, Baker, Brindley, Callahan, Campbell, Carter, Cates, Clark, Cross, Crowe, Drake, Edwards, Folmar, Gafford, Glass, Gregg, Hines, Holley, Holmes (D), Johnstone, Kelley, Killian, Kinsey, Lee, Lutz, McMillan, McNeese, Manley, Merrill, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Rich, Riddick, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Venable, Warren, Weeks, Whatley, Williams and Shoemaker.

—54

**AMENDMENT OFFERED**

Mr. Greer offered the following amendment to the bill, H. 350:

Amend H. 350, Page 4, Section 1, Subsection (j), line 3, by inserting the following sentence after the word "amendment."

Provided, however, that the provisions of this act shall not be effective in any county in which this proposed amendment does not pass

by the required affirmative vote in the election required by the provisions of Section 284 and 285 of the Constitution of Alabama, as amended, and Chapter I, Article XVIII, Title 17, of the Code of Alabama 1940.

#### AMENDMENT TABLED

On motion of Mr. Manley, the amendment offered by Mr. Greer to the bill, H. 350, was tabled.

Yeas 55; Nays 37.

*Yeas:*

Mr. Speaker, Armstrong, Baker, Barron, Callahan, Campbell, Cates, Clark, Crawford, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Harris, Holley, Holmes (D), Jackson (F), Johnson, Kennedy, Kinsey, Lee, Lockett, McCluskey, McCulley, McMillan, McNees, Manley, Merrill, Moore (O), Morris, Owens, Pegues, Plaster, Quarles, Rich, Robertson, Sasser, Shelton, Smith (J), Smith (M), Sonnier, Taylor, Turnham, Venable, Warren, Weeks, Whatley, White, Williams Wyatt and Shoemaker.

—55

*Nays:*

Messrs.: Albright, Andrews, Boles, Brindley, Carter, Coburn, Cross, Falkenburg, Goodwin, Greer, Gregg, Harrison, Hill, Hilliard, Holmes (A), Hopping, Howard, Jackson (R), Kelley, Killian, Leonard, Lewis, Lutz, McNair, Martin, Mitchem, Moore (W), Naramore, Porter, Reed, Riddick, Roberts, Smith (B), Sparks, Starkey, Trammell and Waggoner.

—37

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 55. Mourning the death of Esley Mullenax Flanagan.

Also:

H. J. R. 67. Mourning the death of Dr. Kenneth E. Johnson.

Also:

H. J. R. 68. Congratulating the coaches and players of the Murphy High School Panthers for their superlative efforts during the 1976 football season.

Also:

H. J. R. 69. Honoring and congratulating William M. Clark for forty years of meritorious service to Shelby County.

Also:

H. J. R. 85. Mourning the death of the Reverend Osborne Samuel Harvey.

Also:

H. J. R. 91. Citing for merit Dr. Booker Tillman Whatley of Tuskegee Institute.



Also:

H. J. R. 92. Congratulating the Morgan County High School Archery Team for first place honors in championship competition.

Also:

H. J. R. 97. Commending the Oxford High School Girls Gymnastics Team for their award winning performance in statewide competition.

Also:

H. J. R. 98. Commending the Weaver High School Marching Band for honors participation in New Orleans' Mardi Gras.

Also:

H. J. R. 99. Congratulating Cheryl Burgess, "Miss Alabama Universe."

Also:

H. J. R. 100. Commending Walter Wellborn High School Panthers Football Team.

Also:

H. J. R. 103. Congratulating Representative G. J. "Dutch" Higginbotham on his election to the Senate.

Also:

H. J. R. 104. Commending the Student Government Association of Butler High School, Huntsville, Alabama.

McDOWELL LEE,  
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES ON  
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 10. Relating to Pike County, increasing the pistol permit fee in said county and providing for retroactive effect.

Also:

H. 114. To permit any city in the State of Alabama having a population of not less than 23,000 nor more than 27,000 inhabitants according to the 1970 or any subsequent federal decennial census to adopt the council-manager form of municipal government, to provide for the calling and holding of elections to vote thereon, to provide for the election and term of the first council, to define the legal status, form of government and powers of the city, to provide for subsequent elections of members of the council, their number and their terms of office, to provide for the qualification, powers and authority of the council, the mayor and the city clerk, and for the election of the mayor and city clerk, to provide for the appointment and removal and to define the powers of the city manager, to provide for an annual budget, its preparation, submission, adoption and effect, to create and define the powers and duties of a department of finance and of the director thereof, to regulate purchases

and contracts of the city, and to define their powers and authority, to set up the terms and effects of succession in government of any city adopting the council-manager form of government, to provide for the establishment and re-establishment of districts, to make various other provisions for such form of government of any such city, and to provide for the means of abandoning the council-manager form of government.

Also:

H. 137. To authorize the county commission in all counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the 1970 or any subsequent federal decennial census to appropriate from the county general fund the necessary funds to adequately support those little league athletic programs directly affiliated with any of the public schools in such counties and to provide retroactive effect for said act.

Also:

H. 212. To authorize the Limestone County Commission to appropriate funds from the Highway Traffic Funds of said county or other funds in the County Treasury for law enforcement purposes in said county, including the payment of the salaries of any deputies that might be employed by the Sheriff of said county.

Also:

H. 393. To permit any bank, having its principal place of business in Repton, Alabama to establish, maintain, and operate, within the limits or boundaries of Conecuh County, a branch or additional office or place of business, subject to the approval of the state superintendent of banks.

Also:

H. 507. To amend Section 4 of Act No. 246, H. 871, 1976 Regular Session (Acts of 1976, p. 281), relating to purging the lists of registered voters in Colbert County and prescribing the procedure for the reidentification of registered voters; so as to increase the compensation paid members of the board of registrars and to make this act retroactive.

Also:

H. 513. Relating to Escambia County, Alabama allowing the municipal governing bodies of the City of Brewton located in such County to determine the closing hours for places selling alcoholic beverages within its city limits and police jurisdiction.

Also:

H. 382. Relating to Clay County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of Clay County.

Also:

H. 526. Relating to Bibb County; providing for the establishment of a consolidated and unified system of assessing and collecting taxes under one elective county official designated as "county tax assessor and collector"; prescribing the powers, duties, term of office and compensation of said official; providing for the manner of election to the new office; abolishing the offices of tax assessor and tax collector in Bibb County; repealing conflicting laws; and prescribing the effective date of this act.

**REGULAR SESSIOS**  
**9th Day**

493

Also:

H. 527. To amend Section 1 of Act No. 67, H. 11, Second Special Session 1965 (Acts Second and Third Special Sessions 1965, p. 92), fixing the compensation of election officers in Bibb County.

Also:

H. 528. To amend Section 1 of Act No. 87, H. 203, Second Special Session 1965 (Acts Second and Third Special Sessions 1965, p. 117), regulating the pay of the members of the county board of equalization of Bibb County.

Also:

H. 529. To further amend Section 1 of Act No. 258, H. 607, Regular Session 1953 (Acts 1953, p. 325) as amended, which fixes the compensation of the jury commission of Bibb County so as to provide further for the compensation of such commission.

Also:

H. 530. Relating to Bibb County; to provide for the fixing of a fee for the issuance of a pistol permit by the sheriff; and providing for the disposition and use of such fees.

Also:

H. 532. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Centreville, in Bibb County.

And finds same correctly enrolled.

**TOM DRAKE,**  
Chairman.

**SIGNING OF BILLS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

**MOTION TO ADJOURN LOST**

The motion offered by Mr. Roberts that the House adjourn until 10:00 o'clock a.m., Thursday, March 3, 1977, was lost.

Yeas 25; Nays 56.

*Yeas:*

Messrs.: Andrews, Armstrong, Buskey, Coburn, Crawford, Drake, Goodwin, Greer, Harris, Hilliard, Hopping, Howard, Jackson (R), Johnson, Kennedy, Leonard, Lewis, Martin, Roberts, Taylor, Trammell, Tucker, Turnham, White and Wyatt.

—25

*Nays:*

Mr. Speaker, Albright, Boles, Brindley, Callahan, Campbell, Carter, Cates, Cross, Crowe, Dial, Edwards, Folmar, Ford, Gregg, Hall, Hines, Holley, Holmes (D), Jackson (F), Johnstone, Kelley, Killian, Kinsey, Lee, Lutz, McCluskey, McCulley, McNees, Manley, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles,

Rich, Riddick, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Starkey, Venable, Warren, Weeks, Whatley, Williams and Shoemaker.

—56

## H. 350 RESUMED

## AMENDMENT OFFERED

Mr. Albright offered the following amendment to the bill, H. 350:

Amend H. B. 350 on page 3, Section J by striking the following paragraph completely and relettering all subsequent sections accordingly:

(j) Where any state constitutional, statutory or regulatory requirement in effect on the date of the adoption of this constitutional amendment requires counties, municipalities or other taxing authorities to levy any minimum ad valorem tax millage rate for any purpose in order for such county, municipality or other taxing authority to qualify for any funds or other benefits provided by or through the state, no counties, municipalities or other taxing authorities shall be penalized due to a millage reduction hereunder and they shall continue to qualify for such funds or other benefit in spite of a millage reduction hereunder if such county, municipality or other taxing authority qualified for such funds or other benefit at the time of the adoption of this constitutional amendment.

## AMENDMENT TABLED

On motion of Mr. Manley, the amendment offered by Mr. Albright to the bill, H. 350, was tabled.

Yeas 57; Nays 22.

## Yeas:

Mr. Speaker, Armstrong, Barron, Biddle, Callahan, Campbell, Cates, Clark, Cross, Dial, Drake, Edwards, Folmar, Ford, Gafford, Hall, Harris, Harrison, Hines, Holley, Johnson, Johnstone, Killian, Lee, Leonard, Lockett, McCluskey, McCulley, McMillan, McNeas, Manley, Merrill, Mitchem, Moore (O), Morris, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sparks, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Shoemaker.

—57

## Nays:

Messrs.: Boles, Buskey, Carter, Falkenburg, Greer, Gregg, Hill, Hilliard, Holmes (A), Hopping, Howard, Jackson (R), Lewis, Lutz, McNair, Martin, Moore (W), Porter, Reed, Riddick, Trammell and White.

—22

## AMENDMENT OFFERED

Mr. White offered the following amendment No. 1 to the bill, H. 350:

Amend H. B. 350 by striking the word "immediately" on line 33, page 2 and inserting in lieu thereof the word "next".

## AMENDMENT TABLED

On motion of Mr. Manley, the amendment No. 1 offered by Mr. White to the bill, H. 350, was tabled.

REGULAR SESSION  
9th Day

495

Yeas 54; Nays 31.

*Yeas:*

Mr. Speaker, Baker, Brindley, Callahan, Campbell, Carter, Cates, Clark, Crawford, Cross, Dial, Drake, Edwards, Folmar, Gafford, Gregg, Hines, Holley, Holmes (D), Jackson (F), Johnstone, Killian, Kinsey, Lee, Lutz, McCluskey, McCulley, McMillan, McNees, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Plaster, Quarles, Rich, Riddick, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sparks, Venable, Warren, Weeks, Whatley, Williams, Wyatt and Shoemaker.

—54

*Nays:*

Messrs.: Albright, Andrews, Armstrong, Biddle, Boles, Buskey, Falkenburg, Ford, Goodwin, Hall, Harrison, Hilliard, Hopping, Howard, Jackson (R), Johnson, Kennedy, Leonard, Lewis, Lockett, McNair, Martin, Naramore, Porter, Roberts, Sonnier, Taylor, Trammell, Tucker, Waggoner and White.

—31

AMENDMENT OFFERED

Mr. White offered the following amendment No. 2 to the bill, H. 350:

Amend House Bill 350 in Section 1, page 3, line 7, by deleting the word "not".

AMENDMENT TABLED

On motion of Mr. Manley, the amendment No. 2 offered by Mr. White to the bill, H. 350, was tabled.

Yeas 67; Nays 27.

*Yeas:*

Mr. Speaker, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Clark, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Greer, Gregg, Hall, Harris, Hill, Hines, Holley, Holmes (D), Jackson (F), Johnstone, Kelley, Killian, Kinsey, Lee, Lutz, McCluskey, McCulley, McMillan, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Venable, Warren, Weeks, Whatley, Williams, Wyatt and Shoemaker.

—67

*Nays:*

Messrs.: Albright, Andrews, Armstrong, Boles, Falkenburg, Harrison, Hilliard, Holmes (A), Hopping, Howard, Jackson (R), Johnson, Leonard, Lewis, Lockett, McNair, McNees, Martin, Naramore, Porter, Roberts, Taylor, Trammell, Tucker, Turnham Waggoner and White.

—27

AMENDMENT OFFERED

Mr. White offered the following amendment No. 3 to the bill, H. 350:

Amend House Bill 350 in Section 1, page 2, line 33, by deleting the words and figures "twenty percent (20%)" and insert in lieu thereof the following: "fifty percent (50%)"

Also in Section 1, page 2, line 37, delete the words and figures "twenty percent (20%)" and insert in lieu thereof the following: "fifty percent (50%)"

## AMENDMENT TABLED

On motion of Mr. Manley, the amendment No. 3 offered by Mr. White to the bill, H. 350, was tabled.

Yeas 63; Nays 26.

*Yeas:*

Mr. Speaker, Baker, Barron, Brindley, Callahan, Campbell, Carter, Cates, Clark, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Gregg, Hines, Holley, Holmes (D), Jackson (F), Johnstone, Kelley, Kinsey, Lee, Lutz, McCluskey, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Warren, Weeks, Whatley, Williams, Wyatt and Shoemaker.

—63

*Nays:*

Messrs.: Armstrong, Boles, Buskey, Falkenburg, Hall, Harris, Harrison, Hill, Hilliard, Holmes (A), Hopping, Howard, Jackson (R), Johnson, Leonard, Lewis, Lockett, McNair, Martin, Porter, Riddick, Smith (B), Tucker, Turnham, Waggoner and White.

—26

## AMENDMENT OFFERED

Mr. Johnson offered the following amendment to the bill, H. 350:

Amend House Bill 350 in Section 1, page 2, line 33, by deleting the words and figures "twenty percent (20%)" and insert in lieu thereof the following: "forty-five percent (45%)"

Also in Section 1, page 2, line 37, delete the words and figures "twenty percent (20%)" and insert in lieu thereof the following: "forty-five percent (45%)"

## AMENDMENT TABLED

On motion of Mr. Robertson, the amendment offered by Mr. Johnson to the bill, H. 350, was tabled.

Yeas 59; Nays 21.

*Yeas:*

Mr. Speaker, Baker, Biddle, Brindley, Callahan, Campbell, Carter, Clark, Crawford, Cross, Dial, Drake, Edwards, Folmar, Gafford, Glass, Hines, Holley, Holmes (D), Jackson (F), Johnstone, Kelley, Killian, Kinsey, Lee, Lutz, McCulley, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Venable, Waggoner, Weeks, Whatley, Williams and Shoemaker.

—59

*Nays:*

Messrs.: Andrews, Armstrong, Barron, Gregg, Hall, Harris, Harrison, Hilliard, Hopping, Howard, Jackson (R), Johnson, Leonard, Lewis, Lockett, McNair, Martin, Porter, Reed, Riddick and Turnham.

—21

SUBSTITUTE OFFERED

Mr. Hill offered the following substitute No. 2 to the bill, H. 350:

A BILL  
TO BE ENTITLED  
AN ACT

Proposing an amendment to further amend Article XI, Section 217, of the Constitution of Alabama 1901 relative to ad valorem taxation; further providing for the assessment of taxable property.

Be it Enacted by the Legislature of Alabama:

Section 1. The following amendment to Article XI, Section 217, of the Constitution of Alabama 1901, as amended, is proposed to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor.

Section 217 of the Constitution, as amended, is further amended by striking out the last line in subsection (a) which reads as follows:

"Class III. All agricultural, forest and residential property." and inserting in lieu thereof the following:

Class III. All forest property

Class IV. All agricultural and residential property

Also, by adding to the end of subsection (b) the following:

Class IV. 10 percentum

Also in the last paragraph of subsection (c) of said Section 217 strike out the figures and the word, "15 percentum", and insert in lieu thereof the following: 10 percentum.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article XVIII, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

SUBSTITUTE TABLED

On motion of Mr. Manley, the substitute No. 2 offered by Mr. Hill to the bill, H. 350, was tabled.

Yeas 58; Nays 37.

Yeas:

Mr. Speaker, Brindley, Callahan, Campbell, Carter, Cates, Clark, Crawford, Cross, Crowe, Drake, Edwards, Folmar, Ford, Gafford, Glass, Gregg, Hines, Holley, Holmes (D), Jackson (F), Johnstone, Kelley,

Killian, Kinsey, Lee, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Rich, Riddick, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Venable, Warren, Whatley, Williams and Shoemaker.

—58

*Nays:*

Messrs.: Albright, Andrews, Armstrong, Barron, Biddle, Boles, Buskey, Coburn, Dial, Falkenburg, Goodwin, Greer, Hall, Harrison, Hill, Hilliard, Holmes (A), Hopping, Howard, Johnson, Leonard, Lewis, Lockett, McNair, Martin, Naramore, Porter, Quarles, Reed, Roberts, Taylor, Trammell, Tucker, Turnham, Waggoner, White and Wyatt.

—37

## AMENDMENT OFFERED

Mr. Boles offered the following amendment to the bill, H. 350:

Amend Section 1, sub-section c by deleting the last paragraph of sub-section c on page 2 beginning with line 12, ending with line 20.

## AMENDMENT TABLED

On motion of Mr. Manley, the amendment offered by Mr. Boles to the bill, H. 350, was tabled.

Yeas 59; Nays 32.

*Yeas:*

Mr. Speaker, Biddle, Brindley, Callahan, Campbell, Cates, Clark, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Gafford, Glass, Gregg, Harris, Hines, Holley, Holmes (D), Jackson (F), Johnstone, Kelley, Killian, Kinsey, Lee, Lutz, McCulley, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Venable, Warren, Weeks, Whatley, Williams and Shoemaker.

—59

*Nays:*

Messrs.: Albright, Andrews, Armstrong, Barron, Boles, Buskey, Falkenburg, Ford, Goodwin, Hall, Harrison, Hilliard, Holmes (A), Hopping, Howard, Jackson (R), Johnson, Leonard, Lewis, McCluskey, McNair, Martin, Naramore, Porter, Reed, Taylor, Trammell, Tucker, Turnham, Waggoner, White and Wyatt.

—32

## AMENDMENT OFFERED

Mr. Greer offered the following amendment to the bill, H. 350:

Amend H. 350, page 3, Section 1, Subsection (d), line 7, by inserting after the word "state" the following:

All payments in lieu of taxes, in excess of the sum received during the 1975-76 fiscal year, paid by the Tennessee Valley Authority to the State of Alabama shall be returned to the governing bodies of those counties in which such payments were paid on proportionate basis according to revenues generated by TVA power sales in such counties.



AMENDMENT TABLED

On motion of Mr. Manley, the amendment offered by Mr. Greer to the bill, H. 350, was tabled.

Yeas 53; Nays 33.

*Yeas:*

Mr. Speaker, Armstrong, Barron, Biddle, Campbell, Cates, Clark, Crawford, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Hines, Holley, Holmes (D), Jackson (F), Jackson (R), Johnson, Johnstone, Kinsey, Lee, Lockett, McCluskey, McCulley, McMillan, McNees, Manley, Merrill, Moore (O), Morris, Owens, Pegues, Plaster, Quarles, Rich, Robertson, Sasser, Shelton, Smith (J), Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, Williams, Wyatt and Shoemaker.

—53

*Nays:*

Messrs.: Andrews, Boles, Brindley, Carter, Coburn, Cross, Crowe, Goodwin, Greer, Gregg, Hall, Harrison, Hill, Hilliard, Holmes (A), Howard, Kelley, Killian, Leonard, Lewis, Lutz, McNair, Martin, Mitchem, Moore (W), Naramore, Reed, Riddick, Roberts, Sandusky, Smith (B), Sonnier and Starkey.

—33

AMENDMENT OFFERED

Mr. Coburn offered the following amendment to the bill, H. 350:

Amend House Bill 350, page 2 and 3, lines 20 through 37 and 1 through 7 by deleting them in their entirety and substituting in lieu thereof the following:

(d) A county, municipality or other taxing authority may decrease any ad valorem tax rate at any time, provided such decrease shall not jeopardize the payment of any bonded indebtedness secured by such tax. When the tax assessor of each county shall complete the assembly of the assessment book of his or her county for the ad valorem tax year immediately following the adoption of this amendment and the computation of ad valorem taxes that will be paid upon such assessment, he or she shall certify to each authority within his or her county that lives on ad valorem tax the amount of ad valorem tax that will be produced by every levy in that year, but excluding for this purpose any assessment of property added to the tax rolls of such county for the tax year in which such certification is made that was not included on the tax rolls for the next preceding tax year. If it shall appear that the estimated ad valorem tax receipts from levy so estimated shall be less than the receipts from the same levy during the next preceding ad valorem tax year, then the levying authority shall increase each tax rate by such millage as is necessary to produce revenue that is not less than and that is substantially equal to that but received during such immediately preceding tax year. It is further provided that any and all millage adjustments shall be made in increments of not less than  $\frac{1}{2}$  mill. The adjustment herein required shall be made only one time and shall be made in the ad valorem tax year immediately following the adoption of this amendment. Provided however, that no individual, company or corporation shall have his or her property taxes increased more than twenty percent (20%) over the preceding ad valorem tax year before reappraisal.

## AMENDMENT TABLED

On motion of Mr. Manley, the amendment offered by Mr. Coburn to the bill, H. 350, was tabled.

Yeas 58; Nays 32.

*Yeas:*

Mr. Speaker, Baker, Callahan, Campbell, Cates, Clark, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Gregg, Hines, Holley, Holmes (D), Jackson (F), Johnstone, Kennedy, Killian, Kinsey, Lee, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Rich, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Tucker, Venable, Warren, Weeks, Whatley, Williams and Shoemaker.

—58

*Nays:*

Messrs.: Albright, Andrews, Armstrong, Barron, Biddle, Coburn, Goodwin, Greer, Hall, Harrison, Hill, Hilliard, Holmes (A), Hopping, Howard, Jackson (R), Johnson, Leonard, Lewis, Lockett, McNair, Martin, Naramore, Porter, Reed, Roberts, Taylor, Trammell, Turnham, Waggoner, White and Wyatt.

—32

## AMENDMENT OFFERED

Mr. White offered the following amendment No. 4 to the bill, H. 350:

Amend H. B. 350 on page 3, Section 1, Sub-section (h), line 27, by deleting the figure 1½% and inserting in lieu therefore the figure 2%.

## AMENDMENT TABLED

On motion of Mr. Manley, the amendment No. 4 offered by Mr. White to the bill, H. 350, was tabled.

Yeas 57; Nays 32.

*Yeas:*

Mr. Speaker, Baker, Brindley, Callahan, Campbell, Carter, Cates, Clark, Crawford, Cross, Dial, Drake, Edwards, Folmar, Gafford, Glass, Harris, Hilliard, Hines, Holley, Holmes (D), Jackson (F), Jackson (R), Johnstone, Kelley, Killian, Kinsey, Lee, McCluskey, McCulley, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Rich, Robertson, Sasser, Shelton, Smith (J), Sonnier, Sparks, Starkey, Tucker, Venable, Warren, Weeks, Whatley, Williams and Shoemaker.

—57

*Nays:*

Messrs.: Albright, Andrews, Armstrong, Barron, Biddle, Boles, Ford, Greer, Gregg, Hall, Harrison, Holmes (A), Hopping, Howard, Johnson, Kennedy, Leonard, Lewis, Lockett, Lutz, McNair, Martin, Porter, Riddick, Roberts, Smith (B), Taylor, Trammell, Turnham, Waggoner, White and Wyatt.

—32

And the bill, H. 350, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

REGULAR SESSION  
9th Day

501

Yeas 63; Nays 37.

*Yeas:*

Mr. Speaker, Baker, Barron, Brindley, Campbell, Carter, Cates, Clark, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Gregg, Hines, Holley, Holmes (D), Jackson (F), Johnstone, Kelley, Killian, Kinsey, Lee, Lutz, McCulley, McMillan, McNeese, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Venable, Warren, Weeks, Whatley, Williams, Wyatt and Shoemaker.

—63

*Nays:*

Messrs.: Albright, Andrews, Armstrong, Biddle, Boles, Buskey, Callahan, Coburn, Falkenburg, Goodwin, Greer, Hall, Harris, Harrison, Hill, Hilliard, Holmes (A), Hopping, Howard, Jackson (R), Johnson, Kennedy, Leonard, Lewis, Lockett, McCluskey, McNair, Martin, Porter, Reed, Roberts, Sonnier, Trammell, Tucker, Turnham, Waggoner and White.

—37

MOTION TO ADJOURN LOST

The motion offered by Mr. Greer that the House adjourn until 10:00 o'clock a.m., Thursday, March 3, 1977, was lost.

Yeas 28; Nays 66.

*Yeas:*

Messrs.: Andrews, Barron, Biddle, Boles, Buskey, Ford, Goodwin, Greer, Hall, Hill, Hilliard, Holmes (A), Hopping, Howard, Jackson (R), Johnson, Kennedy, Leonard, Lewis, McNair, Porter, Robertson, Taylor, Trammell, Tucker, Turnham, Waggoner and Wyatt.

—28

*Nays:*

Mr. Speaker, Albright, Armstrong, Baker, Brindley, Callahan, Campbell, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Glass, Gregg, Harris, Hines, Holley, Holmes (D), Jackson (F), Johnstone, Kelley, Killian, Kinsey, Lee, Lutz, McCluskey, McCulley, McMillan, McNeese, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Venable, Warren, Weeks, Whatley, Williams and Shoemaker.

—66

BILLS ON THIRD READING RESUMED

And the bill:

H. 351. To amend Section 46, Title 51, Code of Alabama 1940, relating to the assessment of taxes so as to further provide for estimating the value of taxable property.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 70; Nays 25.

*Yeas:*

Mr. Speaker, Baker, Barron, Brindley, Campbell, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Greer, Gregg, Harris, Hill, Hines, Holley, Holmes (D), Jackson (F), Johnstone, Kelley, Killian, Kinsey, Lee, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Venable, Warren, Weeks, Whatley, Williams, Wyatt and Shoemaker.

—70

*Nays:*

Messrs.: Albright, Andrews, Armstrong, Biddle, Buskey, Callahan, Falkenburg, Hall, Harrison, Hilliard, Holmes (A), Hopping, Howard, Jackson (R), Kennedy, Leonard, Lewis, McCluskey, McNair, Porter, Trammell, Tucker, Turnham, Waggoner and White.

—25

And the bill:

H. 352. To amend Section 15, Title 51, Code of Alabama, 1940 (Recomp. 1958), to increase the homestead exemption from \$2,000 to \$5,000, such exemption being applicable to all state ad valorem taxes.

Was taken up.

#### CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 352: Messrs. Cates, Crawford, Crowe, Drake, Folmar, Glass, Lee, Lutz, Merrill, Mitchem, Moore (O), Naramore, Owens, Quarles, Robertson, Smith (J), Sparks and Warren.

#### MOTION TO RECOMMIT LOST

The motion offered by Mr. Holley to recommit the bill, H. 352, to the Standing Committee on Ways and Means, was lost.

Yeas 33; Nays 54.

*Yeas:*

Messrs.: Albright, Andrews, Barron, Biddle, Buskey, Ford, Goodwin, Greer, Gregg, Hall, Harrison, Hill, Hilliard, Holley, Holmes (A), Hopping, Howard, Jackson (R), Johnson, Johnstone, Leonard, Lewis, Lockett, McNair, Porter, Quarles, Riddick, Smith (B), Starkey, Taylor, Tucker, Waggoner and Wyatt.

—33

*Nays:*

Mr. Speaker, Armstrong, Baker, Callahan, Campbell, Carter, Cates, Clark, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Harris, Hines, Holmes (D), Jackson (F), Kelley, Killian, Kinsey, Lee, Lutz, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Trammell, Venable, Warren, Weeks, White and Williams.

—54

**REGULAR SESSION**  
**9th Day**

503

**MOTION TO POSTPONE TABLED**

On motion of Mr. Manley, the motion offered by Mr. Boles to postpone the bill, H. 352, to the twentieth legislative day, was tabled.

Yeas 58; Nays 35.

**Yeas:**

Mr. Speaker, Armstrong, Baker, Biddle, Callahan, Campbell, Carter, Cates, Clark, Cross, Crowe, Drake, Edwards, Folmar, Gafford, Glass, Harris, Hines, Holmes (D), Jackson (F), Kelley, Killian, Kinsey, Lee, McMillan, McNair, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—58

**Nays:**

Messrs.: Albright, Andrews, Barron, Boles, Buskey, Falkenburg, Ford, Goodwin, Greer, Gregg, Hall, Harrison, Hill, Hilliard, Holley, Holmes (A), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kennedy, Leonard, Lewis, Lockett, Lutz, Plaster, Porter, Reed, Riddick, Smith (B), Starkey, Trammell, Tucker and Turnham.

—35

**MOTION TO ADJOURN LOST**

The motion offered by Mr. McCulley that the House adjourn until 10:00 o'clock a.m., Thursday, March 3, 1977, was lost.

Yeas 38; Nays 55.

**Yeas:**

Messrs.: Albright, Andrews, Barron, Biddle, Boles, Brindley, Buskey, Cross, Folmar, Ford, Goodwin, Greer, Hall, Hill, Hilliard, Hines, Holley, Holmes (A), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kennedy, Leonard, Lewis, McCulley, McNair, Porter, Reed, Starkey, Taylor, Trammell, Tucker, Turnham, Waggoner, White and Wyatt.

—38

**Nays:**

Mr. Speaker, Armstrong, Baker, Callahan, Campbell, Carter, Cates, Clark, Crowe, Drake, Edwards, Falkenburg, Gafford, Glass, Gregg, Harris, Holmes (D), Jackson (F), Kelley, Killian, Kinsey, Lee, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Venable, Warren, Weeks, Whatley and Williams.

—55

And the bill, H. 352, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 42.

**Yeas:**

Mr. Speaker, Barron, Callahan, Campbell, Carter, Cates, Clark, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Gafford, Gregg, Harris, Hines, Holmes (D), Jackson (F), Kennedy, Kinsey, Lutz, Mc-

Culley, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (J), Smith (M), Sonnier, Sparks, Venable, Warren, Weeks, Williams and Wyatt.

—49

*Nays:*

Messrs.: Albright, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Buskey, Ford, Goodwin, Greer, Hall, Harrison, Hill, Hilliard, Holley, Holmes (A), Hopping, Howard, Jackson (R), Johnson, Johnstone, Killian, Leonard, Lewis, Lockett, McCluskey, McNair, Pegues, Plaster, Porter, Riddick, Smith (B), Smith (C), Starkey, Taylor, Trammell, Tucker, Turnham, Waggoner, Whatley and White.

—42

#### CO-SPONSOR ADDED

Mr. Gregg was added as co-sponsor to the bill, H. 352.

#### RESOLUTION

The following resolution was introduced:

By Mr. Lutz:

H. R. 115. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That House Rule 4. (9) be amended to read as follows:

"(9) No motion to carry over all bills on the calendar to reach a certain bill shall be in order unless the rules are suspended."

Pursuant to a Notice in Writing previously filed and on motion of Mr. Lutz, the resolution, H. R. 115, was adopted.

Yeas 52; Nays 29.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carter, Clark, Coburn, Cross, Crowe, Drake, Falkenburg, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Holmes (A), Holmes (D), Jackson (F), Johnstone, Kennedy, Killian, Lee, Lutz, Manley, Merrill, Moore (O), Moore (W), Morris, Naramore, Porter, Rich, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Waggoner and Weeks.

—52

*Nays:*

Messrs.: Andrews, Callahan, Cates, Folmar, Ford, Greer, Hopping, Howard, Jackson (R), Johnson, Kinsey, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNair, Martin, Pegues, Quarles, Taylor, Trammell, Tucker, Turnham, Venable, Warren, White and Wyatt.

—49

#### NOTICE IN WRITING FILED

Mr. Hill filed the following Notice in Writing:

#### NOTICE IN WRITING TO AMEND THE RULES

**Mr. Speaker:**

Notice is hereby given in accordance with the House Rules that on the next legislative day a motion will be made to amend House Rule 16 as follows:

**REGULAR SESSION**  
**9th Day**

505

Rule 16. (a) A motion to adjourn shall always be in order, even in the absence of a quorum.

(b) Immediately following adjournment, the Clerk of the House shall make announcements of all committee meetings that have not been posted on the board in the back of the Chamber. Any action taken at any committee meeting which was not announced by the Clerk or by posting shall be deemed void ab initio.

**MOTION TO ADJOURN LOST**

The motion offered by Mr. McCulley that the House adjourn until 10:00 o'clock a.m., Thursday, March 3, 1977, was lost.

Yeas 36; Nays 48.

**Yeas:**

Messrs.: Andrews, Barron, Buskey, Cates, Coburn, Cross, Drake, Edwards, Folmar, Ford, Goodwin, Harris, Holley, Hopping, Jackson (R), Johnson, Johnstone, Kennedy, Lewis, Lutz, McCulley, Martin, Merrill, Moore (W), Morris, Pegues, Sasser, Shelton, Smith (M), Sonnier, Sparks, Starkey, Taylor, White, Wyatt and Shoemaker.

—36

**Nays:**

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carter, Falkenburg, Gafford, Greer, Gregg, Hall, Harrison, Hill, Hilliard, Holmes (A), Holmes (D), Howard, Jackson (F), Killian, Kinsey, Leonard, Lockett, McCluskey, McMillan, McNair, McNees, Manley, Mitchem, Moore (O), Naramore, Owens, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Smith (C), Trammell, Tucker, Turnham, Venable, Waggoner and Weeks.

—48

**MOTION TO ADJOURN LOST**

The motion offered by Mr. Morris that the House adjourn until 10:00 o'clock a.m., Thursday, March 3, 1977, was lost.

Yeas 37; Nays 48.

**Yeas:**

Messrs.: Baker, Biddle, Buskey, Cates, Coburn, Crowe, Drake, Folmar, Goodwin, Harris, Hilliard, Holley, Hopping, Johnson, Kennedy, Lee, Lutz, McCulley, McNees, Manley, Merrill, Moore (O), Moore (W), Morris, Pegues, Rich, Sasser, Shelton, Smith (J), Smith (M), Sparks, Taylor, Warren, Weeks, Whatley, Williams and Wyatt.

—37

**Nays:**

Mr. Speaker, Albright, Andrews, Armstrong, Barron, Brindley, Callahan, Campbell, Carter, Cross, Dial, Falkenburg, Ford, Gafford, Greer, Gregg, Hall, Harrison, Hill, Holmes (A), Holmes (D), Howard, Jackson (F), Killian, Kinsey, Leonard, Lewis, Lockett, McCluskey, McNair, Mitchem, Naramore, Owens, Plaster, Porter, Quarles, Riddick, Roberts, Smith (B), Smith (C), Sonnier, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner and White.

—48

## RESOLUTION

The following resolution, H. R. 56, which was postponed on the fourth legislative day:

Be It Resolved By The House Of Representatives, That any matter may, by a vote of a majority of the members present, be made the special order for any hour, which shall take precedence at that hour of any other business except a motion to reconsider. Provided, That a motion to make a bill or resolution a special order shall give the number of the bill or resolution. And provided further, That no bill or resolution shall be set for a special order or consideration except by a resolution reported from the Committee on Rules, and provided further, That any special order calendar must be printed and distributed to all members by placing it in their box at the rear of the house chamber one legislative day before the special order calendar is to be effective.

Was taken up.

## MOTION TO POSTPONE TABLED

On motion of Mr. Smith (B), the motion offered by Mr. Gafford to postpone further consideration of the resolution, H. R. 56, to the thirtieth legislative day, was tabled.

Yeas 47; Nays 38.

Yeas:

Messrs.: Albright, Andrews, Barron, Brindley, Buskey, Campbell, Cates, Cross, Dial, Ford, Glass, Greer, Gregg, Hall, Harrison, Hill, Hilliard, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kennedy, Killian, Lee, Leonard, Lewis, Lockett, McCulley, McNair, Moore (W), Naramore, Porter, Rich, Riddick, Smith (B), Smith (J), Sonnier, Starkey, Taylor, Trammell, Tucker, White and Wyatt.

—47

Nays:

Mr. Speaker, Armstrong, Baker, Biddle, Callahan, Coburn, Crowe, Drake, Falkenburg, Folmar, Gafford, Goodwin, Harris, Hines, Jackson (F), Kinsey, McMillan, McNees, Manley, Merrill, Moore (O), Morris, Owens, Pegues, Quarles, Roberts, Robertson, Sandusky, Sasser, Smith (C), Smith (M), Sparks, Turnham, Venable, Waggoner, Warren, Weeks and Williams.

—38

## ADJOURNMENT

On motion of Mr. Drake, the House adjourned until 10:00 o'clock a.m., Thursday, March 3, 1977.

Yeas 49; Nays 40.

Yeas:

Mr. Speaker, Baker, Biddle, Buskey, Callahan, Carter, Cates, Coburn, Cross, Crowe, Drake, Edwards, Folmar, Gafford, Glass, Goodwin, Harris, Hines, Holley, Hopping, Johnson, Johnstone, Kennedy, McCulley, McNees, Manley, Merrill, Moore (O), Moore (W), Morris, Owens, Pegues, Robertson, Sandusky, Sasser, Smith (J), Smith (M), Sparks, Trammell,



REGULAR SESSION  
9th Day

507

Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—49

*Nays:*

Messrs.: Albright, Andrews, Armstrong, Barron, Boles, Brindley, Campbell, Dial, Falkenburg, Ford, Greer, Gregg, Hall, Harrison, Hill, Hilliard, Holmes (A), Holmes (D), Howard, Jackson (R), Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McMillan, McNair, Mitchem, Naramore, Plaster, Porter, Quarles, Riddick, Roberts, Smith (B), Smith (C), Taylor and Tucker.

—40

TENTH DAY

House of Representatives  
Montgomery, Alabama  
Thursday, March 3, 1977

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend W. Earl Dubois, Minister and Administrator, Wesley Manor Methodist Retirement Home, Dothan, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—100

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the ninth legislative day and finds the same to be correct.

TOM DRAKE,  
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the ninth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the ninth legislative day was approved.

#### REPORT FILED

Pursuant to House Joint Resolution 326, Act No. 755, Regular Session of the Legislature of 1976, Rep. Leigh Pegues, Chairman, submitted the preliminary report of the Select Joint Committee To Study The Rising Cost To The State Of The Medicare and Medicaid Programs, and the report was ordered filed.

#### LEAVES OF ABSENCE

At the request of Mr. McNair, leave of absence was granted for Mr. Jolly, due to illness.

At the request of Mr. Wyatt, leave of absence was granted for Mr. Plaster, due to illness.

At the request of Mr. Sandusky, leave of absence was granted for Mr. Cooper, due to illness.

#### BILLS ON SECOND READING

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 672. (With Substitute): To abolish the state department of youth services and provide for the transfer of all its functions, funds, powers, duties, responsibilities, and property to the state department of education; to provide for the transfer of all the functions, funds, powers, duties, responsibilities and property of the youth services board to the state board of education; to provide that the youth services board shall continue in an advisory capacity to the state board of education in matters relating to the rehabilitation of delinquent youth; to provide for the appointment and pay of such members; to provide for the continued treatment, education and disposition of youth in the custody of the department of youth services; to authorize the state superintendent of education to combine or abolish certain positions and responsibilities within the said youth services and to employ persons within or without the merit system, for any new positions; and to make an appropriation out of the special educational trust fund to carry out the provisions of this act.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 485. To establish a student assistance program in the State of Alabama to be known as the Alabama Student Grant Program, which will provide for state grants to certain approved institutions of post-secondary education in Alabama on behalf of and to the credit of eligible students who are bona fide residents of Alabama; to set forth legislative findings and purposes underlying the Program; to provide for the grants payable under the Program; to designate the Alabama Commission on Higher Education to administer the Program; to vest the Alabama Commission on Higher Education with the powers and duties reasonably

needed for the effective implementation and administration of the Program; to establish various procedures and requirements concerning the availability of grants, applications for grants, approval and award of grants, renewal of grants, and revocation of grants; to prohibit the use of grants for religious or sectarian purposes and to prohibit the use of money raised for the support of public schools to support schools of a predominantly sectarian or denominational character; to provide for periodic auditing of approved institutions; to provide for periods when there may be sufficient funds to provide such eligible student with a full grant for the terms requested; to provide a penalty for false statements or misrepresentations in connection with the procurement of grants; to make an appropriation funding the program from the Special Education Trust Fund; to provide for severability; to repeal conflicting laws; and to provide an effective date.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 18. (With Substitute): To exempt all disability income from state income taxation; and to authorize the commissioner of revenue to promulgate any reasonable rules and regulations necessary to carry out the provisions of this act.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 172. (With Amendment): Relating to sick leave for teachers in city and county school systems and the Alabama Institute for Deaf and Blind. To amend Title 52, Sections 136 and 197, Code of Alabama, 1940, and Section 2 of Act 688, H. 452, 1951 Regular Session, to allow educators in city and county school systems and the Alabama Institute for Deaf and Blind to accumulate sick leave at the rate of one day for each month employed without limiting the number of days which may be accumulated.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 49. To provide a low-income-dependent tax credit against state income taxes for certain low-income residents of Alabama; and to give this Act retroactive effect.

H. 75. To amend further Section 144, Title 45, Code of Alabama 1940, so as to increase the daily allowance for feeding prisoners in county jails.

H. 145. To further amend Section 33 of Act No. 100, H. 94, 1959 Second Special Session (Acts of 1959, p. 315), as amended, entitled "An Act To raise revenue; levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom; superseding Article 10 of Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented," so as to exempt LP gas used by agricultural producers from the state sales tax.

H. 246. To amend the title and Sections 1 and 2 of Act No. 1142, H. 14 of the 1971 Regular Session (Acts 1971, Vol. III, p. 1965) which Act relates to unemployment insurance fraud investigators of the Department of Industrial Relations, to give such employees and supervisors a subsistence allowance in addition to all other compensation heretofore authorized by law.

H. 442. To provide for the partial participation of certain retired employees of the Cooperative Extension Service of Auburn University retired under Federal Civil Service Retirement in the state employees' retirement system under the provision of Act No. 697, H. 1601, Regular Session 1975 (Acts 1975, Vol. III, p. 1451), upon such employees making a certain contribution to the employees' retirement system; and to appropriate from the Alabama Special Education Trust Fund such additional sums as necessary to implement the provisions of this Act.

H. 465. To reclassify the positions of automotive mechanic within the department of public safety and regulate the salary.

H. 611. To amend Section 343 of Title 55, Code of Alabama 1940, Recompiled 1958, as amended, to provide for an increase in the awarding authority of the State Board of Adjustment.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 554. To further amend the Code of Alabama 1940, Title 7, Section 625, relating to the Homestead exemption from levy and sale under execution or other process for the collection of debts, so as to raise the amount of such exemption from \$2,000 to \$6,000.

H. 269. To provide for the attendance of witnesses from outside the state in criminal proceedings and to provide for the summoning of such witnesses and the arrest and service of process; and to provide for the repeal of all laws in conflict; and to provide an effective date.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 328. (With Amendments): To provide for and authorize the incorporation of Municipal Electric Authorities as public corporations of the State of Alabama for the purpose of planning, financing, developing, acquiring, constructing, reconstructing, improving, enlarging, owning, operating and maintaining systems and facilities for the generation, transmission, transformation and distribution, or any of them, of electric power and energy, which systems and facilities may be situated within or without the State of Alabama; to authorize any two or more municipalities to incorporate and organize an Authority; to authorize municipalities to become members of an Authority and to appoint a board of commissioners to exercise the powers of such Authority as herein provided; to provide for an executive committee and officers of such board; to grant powers to an Authority including the power of eminent domain; to provide that an Authority may exercise any one or more of the powers, rights and privileges conferred upon it either alone or jointly or in common with one or more other parties, municipalities, corporations, electric boards, cooperatives, or public or private utilities located either

within or without the State of Alabama or partly within and partly without the State; to authorize an Authority to issue and sell its bonds or notes; to provide that the bonds, notes and other obligations of an Authority shall not be a debt or obligation of the State or of any municipality but shall be payable solely from the revenues of its facilities or its undivided interest therein; to provide for the execution and delivery by an Authority of mortgages, deeds of trust and other instruments of security for the benefit of such obligations; to provide that bonds issued by an Authority shall be legal investments and also eligible as security for the deposit of public funds; to provide that the property of an Authority and the income therefrom, all bonds and the interest thereon, and all deeds, mortgages, trust indentures and other instruments executed by or delivered to an Authority shall be exempt from all state, county, municipal and other taxation in the State; to grant legislative consent to the application of the laws of other states with respect to taxation and payments in lieu of taxation by an Authority on any systems or facilities situated without the State; to exempt an Authority from the laws of the State of Alabama governing usury; to exempt all contracts made by an Authority in the exercise of any power or authority under this Act from the provisions and requirements of Act No. 217 adopted at the 1967 Special Session of the Legislature of Alabama, as amended, with respect to competitive bidding; to exempt an Authority, in the exercise of any powers and authorities granted under this Act, from the jurisdiction and control of the Public Service Commission and all other regulatory bodies and agencies of the State of Alabama; to provide for the use of the public roads by an Authority; and to make other provisions for the operation of an Authority by its board of commissioners and the planning, financing, developing, acquiring, construction, reconstruction, improving, enlarging, owning, operating and maintaining any such system or facilities.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 541. To validate the incorporation of public corporations attempted to be organized pursuant to Act No. 107 adopted at the 1965 First Special Session of the Legislature of Alabama, as heretofore amended, and amendments to the certificate of incorporation of such corporations.

H. 861. To provide further for the retirement of beverage control agents, license inspectors and other law enforcement officers of the Alabama Alcoholic Beverage Control Board, to allow such officers to retain their badges, commissions and certain other equipment as the board may authorize.

H. 881. Relating to pornography involving children, to provide that any person who sells, offers for sale, gives away or distributes any magazine, book, picture or movie film showing or depicting sexual conduct or any other obscene act by or on any child below the age of 17 years shall be guilty of a misdemeanor; to provide that any parent or guardian who knowingly permits or allows any child under the age of 17 years to engage in the making of any picture or film depicting sexual conduct or any other obscene act shall be guilty of a felony; to define terms; and, to prescribe penalties.

H. 734. To name the engineering building on the campus of The University of Alabama in Birmingham Cudworth Hall.

H. 735. To name the new basic sciences building in the Medical Center of The University of Alabama in Birmingham Volker Hall.

H. 76. To prescribe penalties for any person responsible for child support incident to a divorce decree or any other order for child support who fails to make such payments and leaves the State, or who leaves the State and subsequently fails to timely make such payments.

H. 798. To provide for the repayment of public assistance grants and payments, food stamps, and other benefits administered by the Department of Pensions and Security obtained by any person not entitled thereto or in excess of that to which he is entitled and to provide for the waiver of such repayment in certain instances.

H. 799. To amend Section 2, of Act No. 91, H. 70, 1961 Regular Session (Acts of Alabama, 1961, p. 105); Now appearing in the Code of Alabama 1940, Recompiled 1958, Title 49, Section 17 (31c), relating to the authority of the Commissioner of the State Department of Pensions and Security to destroy certain obsolete records, so as to reduce the retention requirement on certain case record material from ten to five years.

H. 863. To amend Code of Alabama 1940, Title 55, Section 317 so as to remove the prohibition on state employee participation in political activities and to repeal all conflicting statutes.

H. 885. To provide further for the punishment of a person upon his second conviction for the offense of driving while intoxicated.

Mr. Morris, Chairman of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 418. To provide a State Collective Bargaining Law for employees of the State and any political subdivision thereof and for employees in non-profit institutions financially aided from public funds.

H. 466. To provide that the fire fighters of any municipality may by the election provided for in this Act designate a bargaining agent to represent them in respect to the wages the municipality employing them pays to them as fire fighters and in respect to other conditions of their employment; to provide the procedure for elections to be called and held under this Act, including the elections to certify a bargaining agent and elections to decertify a bargaining agent; to provide for collective bargaining proceedings to be instituted by the bargaining agent for the fire fighters or the officer, commission or board empowered to establish wages for the fire fighters; to authorize the Director of Labor to establish rules and regulations governing the call of, notice of and conduct or elections held hereunder; to provide for a procedure for binding arbitration; to provide for the appointment of arbitrators and define said arbitrators' jurisdiction and authority; to provide that the arbitrators' decision shall be binding upon all parties; and to provide for the enforcement of such decision by the circuit court and to provide for penalties; and to provide that this Act shall be known as the "Fire Fighters' Employee-Employer Relations Act," and that the provisions thereof are supplementary to and shall be construed in *pari materia* with Act No. 229, H. 146 (Acts 1967, p. 598).

H. 688. To amend further Act No. 643, S. 414, 1959 Regular Session (Acts 1959, p. 1557), now appearing as Sections 361(4)-(11), Title 52,

Code of Alabama 1940, Recompiled 1958, which act creates the Alabama State Tenure Commission for state teachers, so as to provide that the Alabama State Federation of Teachers shall have representation on said Commission equal to that held by the Alabama Education Association; and to provide that any motion of the Commission shall fail on a tie vote.

H. 693. To provide for refunds on overpayment or erroneous payment of taxes or licenses to the alcoholic beverage control board, and for refunds of taxes prepaid to board where losses of tax paid alcoholic beverages are sustained prior to sale of alcoholic beverages at retail; and to provide a refund procedure.

Mr. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 613. (With Amendments): To regulate the practice of counselors in Alabama; to create a Board of Examiners in Counseling; to prescribe the duties and powers of said Board; to provide for the examination and licensure of counselors and the examination and certification of counselor associates; to fix penalties for the violation of this Act; to impose licensure and certification fees and to provide for the use of funds received.

Mr. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 803. To amend Sections 54, 159 and 192 of Title 52 of the Code of Alabama 1940, relating to the taking of school census so as to change the dates of taking such census.

H. 802. To amend Section 162 of Title 52 of the Code of Alabama 1940, relating to kindergartens and playgrounds, so as to further regulate admission to certain public schools in this state.

S. 159. To provide that boards of control of local school systems, state public educational institutions and agencies make available payroll deduction of dues for the local affiliate or any labor organization or educators' organization if their employees request this service.

Mr. Smith (J), Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 184. To propose an amendment to the Constitution providing a means of adopting local amendments to the Constitution at local elections.

The above bill was read a second time at length as required by the Constitution.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 98. (With Substitute): To amend Section 347(a) and Section 350(a) of Title 22, Code of Alabama, 1940, to define the respective jurisdictions of the County and Municipal Governments with relation to Solid Waste collection and disposal.

H. 211. (With Substitute): To authorize purchases by municipalities of personal service or personal property from the elected officials of said municipality under certain enumerated circumstances; to establish procedures; to repeal conflicting laws and statutes.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 237. To amend Section 1 of Act 2228, Regular Session of the Alabama Legislature, Volume 5, page 3585, Acts of Alabama 1971, which act provides additional alternative procedures whereby incorporated municipalities with populations of 2,000 or more may alter their corporate limits, so as to provide a procedure for altering the corporate boundaries of such incorporated municipalities in the event one or more such incorporated municipalities have overlapping police jurisdictions.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 561. (With Substitute) (With Amendment): To amend the title and Sections 1, 2, 3, 4, 5, 10 and 11 of Act No. 372, S. 362, Regular Session of 1976, requiring municipalities to provide civil service systems for their law enforcement officers so as to include firefighters under the provisions of said act.

Mr. Smith (B), Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 5. (With Amendment): To require the State Highway Department to maintain and keep in good repair all school bus routes and mail routes in counties where the Highway Department is charged with the duty of construction and maintenance of county roads and bridges.

Mr. Smith (B), Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 96. Relating to carriers; requiring liquid pipeline systems used by carriers in the transportation of liquid petroleum to comply with certain standards of safety; granting certain additional rights, powers and authority to the Alabama Public Service Commission to carry out the purposes of this act; prescribing jurisdiction of courts for injunctive proceedings; and prescribing monetary sanctions for violations of certain standards of safety.

H. 642. To amend Section 36 of Title 23, Code of Alabama (1940), which provides for the highway department to regulate and control the



REGULAR SESSION  
10th Day

515

placing of markers, signs, and advertising on the right-of-way of all state controlled highways; to prohibit the placing of any commercial sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise on the right-of-way of any road, highway or bridge which is a part of the state highway system whether title to said right-of-way be vested in the State of Alabama in fee, by easement, adverse possession, prescription or by any other means in which title may vest; provide for removal of said signs and penalty for the violation of any provision of this act, and to repeal any and all laws that conflict with any provision of this act.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 738. To alter, rearrange and extend the boundary lines and corporate limits of the town of Grant, Alabama.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 849. (With Amendment): Relating to Limestone County; giving the county governing body certain powers in regard to maintaining roads and rights-of-way leading to homes or residences on private property.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 850. Relating to Limestone County; to authorize the county commission to appropriate an amount not to exceed \$3,000 in their annual budget for industrial promotion.

H. 858. Relating to all counties having a population of not less than 22,575 nor more than 23,800 inhabitants according to the 1970 or any subsequent federal decennial census; to provide for the expense allowances and salaries of the members of the county commission in such counties.

H. 866. To provide for payment to Cleburne County of a sum equal to the increase in state ad valorem tax revenues from Cleburne County because of the use for ad valorem tax purposes of the recent reappraised values of property in such county because the use of such reappraised values in Cleburne County before they were used for ad valorem tax purposes in any other county amounted to an unequal application of Alabama's tax laws; and to prescribe the county funds into which distributions of this payment shall be made.

H. 876. Relating to counties having a population of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide that the county commission in such counties may employ a secretary for the district court judge and to set said secretary's salary.

H. 877. Relating to counties having a population of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide that the county commission in any such county may employ up to three additional assistants in the circuit clerk's office and to provide the salary for such employees.

H. 878. Relating to counties having a population of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide further for the election of the county superintendent of education and members of the county board of education.

H. 879. Relating to counties having a population of not less than 21,000 nor more than 22,000 according to the 1970 or any subsequent federal decennial census; to provide further for the salary and expense allowance of the superintendent of education.

H. 880. To abolish mandatory publication of semi-annual financial statements by the courts of county commissions, boards of revenue or like governing bodies in all counties having a population of not less than 21,000 nor more than 22,000 according to the 1970 or any subsequent federal decennial census.

Mr. Wyatt, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 94. Relating to counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide that certain homebaked or homemade goods shall not be subject to the regulations of any state or county health department.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 855. Relating to Pike County; prescribing further the procedure for reidentification of registered voters so as to provide that any qualified elector who voted in any election in 1976 or who votes in any election in 1977 shall be automatically reidentified; and giving this act retroactive effect.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 714. (With Substitute): To regulate further the deposit and investment of state funds; and for such purpose to amend further Sections 1, 2, 3, and 4 of Act No. 3, H. 64, 1967 Regular Session, [Acts of Alabama 1967, p. 336, now appearing in Code of Alabama, Recompiled 1958, Title 55, Section 393 (1-9)], as amended; to prescribe the manner of determining the amount of state funds to be deposited in state depositories and the type of deposits therein and the amount to be invested and to regulate the interest rate thereon.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the follow-

**REGULAR SESSION**  
**10th Day**

517

ing bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 872. To provide that the Department of Public Safety shall provide and maintain a minimum of two personnel to protect the person of any former governor who while in office sustained bodily injury from any violent criminal act.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 731. (With Amendments): To reorganize the Executive Department of state government; to express the public policy of the State regarding the structure and functions of the Executive Department, and to state the intent of the Legislature concerning the reorganization of the Executive Department, the establishment of new executive offices, the orderly transfer of certain enumerated agencies or the functions of such agencies of such executive offices, the effect of such reorganization on existing agencies of the Executive Department and their employees, the establishment in the future of executive offices or agencies, and the assignment or transfer of powers, duties, and functions of existing agencies, or agencies hereinafter created, to the executive offices or agencies established hereafter; to define certain terms, and to provide a uniform nomenclature for the internal structure of executive offices established in the Act; to list the Constitutional, elective, and executive offices which compose the Executive Department, except as may be otherwise provided by law; to limit the number of executive offices within the Executive Department to fifteen and to provide for the future assignment of agencies or functions to the executive offices established herein; to establish within each executive office established herein the position of Secretary; to enumerate the powers, duties, and functions of Secretaries of executive offices; to provide that Secretaries of executive offices shall perform their functions under the general control and supervision of the Governor; to provide that certain officers may be appointed for the executive offices established herein, including Deputy Secretaries, directors, supervisors, chiefs, and legal counsel; to provide that certain officers shall obtain commissions before entering upon and exercising the duties of their respective offices; to provide for the place of residence, oath of office, and official bond of certain enumerated officers of the executive offices established herein; to provide salaries for officers and employees of executive offices; to specify those officers and employees of executive offices who are subject to the State merit system law; to enumerate those officers of executive offices subject to impeachment and governed by the provisions of Act No. 130 enacted at the 1975 Regular Session of the Legislature; to provide for the transfer for administrative purposes of existing agencies of the Executive Department to the executive offices established herein; to provide that such agencies shall continue to perform their statutory functions under the supervision and regulation of the executive office to which they are transferred, except in the case of certain examining and licensing agencies and agencies authorized to issue bonds or other evidences of indebtedness; to specify those services which the executive office may perform for an agency transferred to it for administrative purposes; to provide for the transfer of the effects and the employees of agencies transferred for administrative purposes; to define the effect of such transfer on the obligations and debts of such agencies and the ability of such agencies, the State, or its executive offices, to comply with federal laws concerning federal assistance to any of them; to provide for the

transfer of existing agencies and their statutory functions to an executive office established herein; to provide that any agency so transferred shall continue to exist as an advisory agency or advisory council within the executive office to which it is transferred; to provide for the effect of such transfer on the performance of the statutory functions transferred, the filing of certain financial information, the pending business of any agency so transferred, the obligations and debts of any such agency, and the ability of any such agency, the State, or its executive offices to comply with federal laws concerning federal assistance to any of them; to provide for the transfer of the effects and the employees of any agency so transferred; to provide for the abolition of existing agencies and the transfer of their statutory functions to an executive office established herein; to provide for the effect of such abolition and transfer on the performance of the statutory functions transferred, the pending business of any abolished agency, the obligations and debts of any abolished agency, and the ability of the State, or its executive offices, to comply with federal laws concerning federal assistance to any of them or to any agency so abolished; to provide for the transfer of the effects and the employees of any agency so abolished; to provide that existing agencies may be abolished and that their statutory functions shall cease to exist; to provide for the effect of such abolition on the pending business of any such agency, its obligations, and its effects; to provide that civil and criminal actions pending on October 1, 1978, shall not be affected by this Act, except as specifically provided herein; to provide for employees of the State affected by this Act; to provide for other effects of this Act on the holders of bonds and obligations issued before October 1, 1978, and the parties to contracts and other agreements entered into before October 1, 1978; to continue lawfully adopted rules and regulations of certain agencies; to provide that the Governor may replace any state officer whose position is not continued by this Act and who is a member of an agency continued or transferred by this Act; to provide that the Governor shall be responsible for formulating and implementing a transition plan which carries out the provisions and purposes of this Act; to require the cooperation of all existing agencies of the Executive Department with the Governor in implementing this Act; to provide that the Legislature shall be furnished certain information pertaining to the reorganization of the Executive Department; to appropriate specified sums to the Office of the Governor to implement this Act; to provide that the transfer of agencies and functions of agencies as provided herein shall be effective on October 1, 1978; to provide for a Cabinet; to specify its members and assign it certain advisory functions; to provide for the continuation of any agency of the Executive Department existing on the effective date of this Act, except as otherwise provided herein; to specify a short title for this Act; to provide that if any provision of this Act is declared invalid, that such declaration shall not affect the validity of the remainder of the Act; to repeal all laws or portions of laws in conflict with this Act; to provide an effective date for this Act; to establish in the Executive Department the following executive offices: Office of Administration; Office of Business Regulation; Office of Economic and Community Development; Office of Forestry Services; Office of Health Resources; Office of Labor; Office of Mental Health; Office of Military Affairs; Office of Natural Resources; Office of Prisons and Rehabilitation; Office of Protection and Law Enforcement; Office of Revenue; Office of Social Services; Office of State Enterprises; Office of Transportation; to provide for the transfer of certain enumerated agencies to these executive offices by a specified method of reorganization; to provide that the Governor may by executive order abolish or transfer certain enumerated agencies established by Executive order to specified executive offices and by a specified method of reorganization; to abolish certain agencies; and to repeal specifically the following Acts or pro-

**REGULAR SESSION**  
**10th Day**

519

visions thereof: Section 2(d) of Act No. 48 enacted at the 1950 Fifth Special Session of the Legislature; Act No. 514 enacted at the 1963 Regular Session of the Legislature; Section 3 of Act No. 712 enacted at the 1951 Regular Session of the Legislature; Sections 6 and 7 of Act No. 226 enacted at the 1965 Regular Session of the Legislature; Section 4(c) of Act No. 2059 enacted at the 1971 Regular Session of the Legislature; Section 5 of Act No. 582 enacted at the 1963 Regular Session of the Legislature; Act No. 1115 enacted at the 1969 Regular Session of the Legislature; Act No. 324 enacted at the 1947 Regular Session of the Legislature; Section 5 of Act No. 47 enacted at the 1955 Regular Session of the Legislature; Sections 4 and 5 of Act No. 103 enacted at the 1955 Regular Session of the Legislature; Act No. 92 enacted at the 1965 First Special Session of the Legislature; Section 32 of Act No. 1049 enacted at the 1969 Regular Session of the Legislature; Sections 4, 5, and 6 of Act No. 816 enacted at the 1973 Regular Session of the Legislature; Section 5 of Act No. 673 enacted at the 1947 Regular Session of the Legislature; Act No. 889 enacted at the 1953 Regular Session of the Legislature; Sections 8 and 9 of Act No. 1197 enacted at the 1975 Regular Session of the Legislature; Section 3 of Act No. 446 enacted at the 1963 Regular Session of the Legislature; Section 4 of Act No. 394 enacted at the 1957 Regular Session of the Legislature; Section 2 of Act No. 373 enacted at the 1955 Regular Session of the Legislature, as amended.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 701. To further amend Section 5 of Act No. 21, H. 28, Special Session of 1969 (Acts of Alabama 1969, p. 46; now appearing in Code of Alabama 1940, Recompiled 1958, Title 51, Section 188(1)) levying a privilege or license tax against certain persons and utilities on account of the furnishing of certain utility services and to prescribe the rates and exclusions therefrom so as to further provide for an exclusion for any individuals sixty-five years of age or over.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 29. (With Amendment): To amend further Act No. 763, H. 286, Regular Session 1973 (Acts 1973, p. 1145), which relates to subsistence allowances for law enforcement officers while on duty and to authorize expenditure of funds for that purpose, so as to add Department of Finance, Division of Service, Managers of wildlife management areas, enforcement officers in the Industrial Relations Department, enforcement officers in the Department of Revenue, and law enforcement officer of the Department of Mental Health.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 136. To amend Act No. 1276, 1973 Regular Session, to provide the coordinators and directors of federal programs incident to education shall be covered under the Alabama Teacher Tenure Law.

H. 843. To provide for the establishment, regulation of, and an appropriation for the financing of a scholarship loan and awards program for the study of dentistry; replacing Act No. 793 of Acts of Alabama, Regular Session, 1965.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 643. (With Substitute) (With Amendment): To authorize the State of Alabama to levy and collect, in addition to all other taxes heretofore imposed by law, an excise and privilege tax on every person severing coal or lignite within the State of Alabama; to provide that the proceeds collected therefrom be deposited with the Department of Revenue and that thereafter (1) a portion of said tax be distributed to each municipality within the police jurisdiction of which such severance occurred in an amount based on the tax collected from the coal and lignite severing operations within such police jurisdiction provided that where such severance is not within the police jurisdiction of a municipality, then a portion of such tax shall be distributed to the county in which such severance occurred; (2) a portion of said tax to be distributed to the State Highway Department; to establish procedures for the distribution of such funds by the Department of Revenue; to authorize the Department of Revenue or its authorized agents to inspect the relevant books of each person severing coal or lignite and to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this Act; to prohibit, and make null and void, the enactment and implementation by county, municipal or other taxing authorities severance taxes inconsistent with or additional to the provisions of this Act and to effect the repeal of any laws previously passed authorizing the implementation or enactment of any such tax; and to prescribe penalties for the violations of the provisions of this Act.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 597. To amend Title 26, Section 3 of the Code of Alabama, 1940, as amended, so as to provide insurance coverage for employees of the Department of Industrial Relations which would pay benefits comparable to workmen's compensation in the event of death or injury incurred in the line and scope of employment; to eliminate subsections (2) and (3) which were repealed by Acts 1943, p. 259, approved June 29, 1943, and to renumber remaining subsections.

H. 598. To amend Act No. 1142, Regular Session of 1971 which relates to status as peace officers and police powers of certain employees of the Department of Industrial Relations.

H. 844. To provide for a scholarship program for medical education; to repeal Act No. 278 adopted at the First Special Session of 1965 of the Legislature of Alabama and making an appropriation therefor.

H. 599. To amend Section 8, Title 26, Chapter 1, Code of Alabama 1940, as last amended, which relates to the Board of Appeals for the State of Alabama, Department of Industrial Relations.

H. 600. To amend Section 185, subsections A, B, C, D, E, G, H, K, L, M, and N of Section 186, Section 191, subsections D, E and F of Section 201, paragraph (1) of subsection A and paragraph (3) of subsection C, and paragraph (4) of subsection G of Section 204, subsection B of Section 205, Section 209, Section 224, Section 225, and Section 251, Title 26, Chapter 4, Code of Alabama 1940, as last amended.

H. 702. To require that city and county boards of education, the State Board of Education, other educational agencies, the Alabama Institute for Deaf and Blind and the Alabama's senior universities reimburse its employees for mileage when said employees are required to travel as a part of their job assignment.

H. 778. To create the office of governor's councillor; to prescribe the duties and functions of such officer and to regulate and provide for payment of his compensation.

H. 13. To amend the Title and Sections 1, 4, 7, 8, 9, 12, 14, 15, 20 and 21 of the Alabama Turnpike Authority Act pertaining, respectively, to legislative purpose, powers of the Authority, bonds and notes of the Authority, security for the bonds, tolls and other charges, exemptions from taxation, projects to be kept in good repair, regulations and police service for projects, refunding bonds and preliminary study of projects.

H. 706. To amend Act No. 281 adopted at the 1969 Regular Session of the Legislature of Alabama relating to the promotion of safe transportation of pupils to and from schools and in school related activities; to directing the state board of education to prescribe certain rules and regulations designed to promote this purpose; to the provision of school transportation managers or supervisors; to prescribing certain equipment for school buses; to the provision for safety inspection of school buses; to the provision for special training and licensing of school bus drivers; and to the prescribing of penalties.

H. 606. Relating to state, county and municipal retirement systems; to prescribe procedure whereby all past, present and future members of the legislature shall be entitled to claim a certain amount of their legislative service time in establishing a base under such systems.

H. 479. To exempt radio stations which are operated by any public educational institution or public library from any state or local sales and use taxes.

REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 55. MOURNING THE DEATH OF ENSLEY MULLENAX FLANAGAN.

Also:

H. J. R. 67. MOURNING THE DEATH OF DR. KENNETH E. JOHNSON.

Also:

H. J. R. 68. CONGRATULATING THE COACHES AND PLAYERS OF THE MURPHY HIGH SCHOOL PANTHERS FOR THEIR SUPERLATIVE EFFORTS DURING THE 1976 FOOTBALL SEASON.

Also:

H. J. R. 69. HONORING AND CONGRATULATING WILLIAM M. CLARK FOR FORTY YEARS OF MERITORIOUS SERVICE TO SHELBY COUNTY.

Also:

H. J. R. 85. MOURNING THE DEATH OF THE REVEREND OSBORNE SAMUEL HARVEY.

Also:

H. J. R. 91. CITING FOR MERIT DR. BOOKER TILLMAN WHATLEY OF TUSKEGEE INSTITUTE.

Also:

H. J. R. 92. CONGRATULATING THE MORGAN COUNTY HIGH SCHOOL ARCHERY TEAM FOR FIRST PLACE HONORS IN CHAMPIONSHIP COMPETITION.

Also:

H. J. R. 97. COMMENDING THE OXFORD HIGH SCHOOL GIRLS GYMNASTICS TEAM FOR THEIR AWARD WINNING PERFORMANCE IN STATEWIDE COMPETITION.

Also:

H. J. R. 98. COMMENDING THE WEAVER HIGH SCHOOL MARCHING BAND FOR HONORS PARTICIPATION IN NEW ORLEANS' MARDI GRAS.

Also:

H. J. R. 99. CONGRATULATING CHERYL BURGESS, "MISS ALABAMA UNIVERSE."

Also:

H. J. R. 100. COMMENDING WALTER WELLBORN HIGH SCHOOL PANTHERS FOOTBALL TEAM.

Also:

H. J. R. 103. CONGRATULATING REPRESENTATIVE G. J. "DUTCH" HIGGINBOTHAM ON HIS ELECTION TO THE SENATE.

Also:

H. J. R. 104. COMMENDING THE STUDENT GOVERNMENT ASSOCIATION OF BUTLER HIGH SCHOOL, HUNTSVILLE, ALABAMA.

And finds same correctly enrolled.

TOM DRAKE,  
Chairman.

#### SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.



MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Johnson, the rules were suspended in order to bring up out of order the third reading of the bill, S. 399.

And the bill:

S. 399. To provide a form of municipal government to be known as the mayor-council form of government, which may be adopted by any city in the State of Alabama having a population of not less than 60,000 nor more than 125,000 according to the last or any succeeding federal or municipal census; to provide the method by which any such city may adopt the mayor-council form of government; to provide for the calling and holding of elections to vote thereon; to define and provide the legal status, form of government and powers of any such city under the mayor-council form of government; to provide as the governing body of such city a city council; to provide for the number of members of the council, their election and terms of office; to provide the functions, duties, powers and authority of the city council; to provide for the election, appointment or designation of officers and employees of the city and for their qualifications, duties, functions, powers and authority; to provide for the election, term, qualifications and compensation of a mayor and for the filling of vacancies in the office of mayor and to provide the duties and authority of the mayor; to provide for the control of the finances of such city; to provide for an annual budget, its preparation, submission, and adoption and the effect thereof; to create and define the powers, functions, duties and authority of the department of finance and the director of the department of finance; to regulate purchases and contracts of such city; to provide for the terms and effects of succession in government of any city adopting the mayor-council form of government; to make various other provisions for any such city which adopts the mayor-council form of government and for the government thereof; and to provide for the means of abandoning the mayor-council form of government and the adoption by the city of other forms of municipal government in lieu thereof.

Was read a third time at length and passed.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Boles, Buskey, Campbell, Carothers, Cates, Cross, Dial, Drake, Falkenburg, Ford, Gafford, Glass, Greer, Hall, Harris, Hill, Hilliard, Holley, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Kelley, Kennedy, Killian, Lee, Leonard, Lewis, Lutz, McCulley, McNees, Martin, Merrill, Naramore, Owens, Roberts, Robertson, Sasser, Shelton, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, Weeks, Whatley, Williams and Wyatt.

—56

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Messrs. Ford and Brindley (With Notice and Proof):

H. 888. Relating to Etowah County; to provide that the Etowah County Board of Education, shall have the power to borrow against revenues derived from the sale of malt or brewed beverages for capital outlay purposes; to provide for the allocation of such revenues; to ear-

mark funds for capital outlay for different districts; to provide in whom the power to secure loans shall be invested and the procedure to follow and to provide for the payment of any outstanding indebtedness should the voters of Etowah County, at any future time, vote to prohibit the legal sales of alcoholic beverages.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 888, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Brindley and Ford (With Notice and Proof):

H. 889. Relating to Etowah County; to provide that the Etowah County Board of Education, shall have the power to borrow against revenues derived from the sale of malt or brewed beverages for capital outlay purposes; to provide for the allocation of such revenues; to provide in whom the power to secure loans shall be invested and the procedure to follow and to provide for the payment of any outstanding indebtedness should the voters of Etowah County, at any future time, vote to prohibit the legal sales of alcoholic beverages.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 889, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Callahan:

H. 890. To amend further Section 3 of Act No. 96, H. 17, First Special Session 1971 (Acts 1971, p. 166), which levies and regulates a privilege tax against persons engaged in the business of leasing or renting tangible personal property, so as to further provide for exemptions from the computation of the amount of the tax levied.

Ways and Means.

By Messrs. Starkey, Killian and Lutz (With Notice and Proof):

H. 891. Proposing an amendment to the constitution of Alabama relating to placing the probate judge, the tax assessor, and tax collector of Jackson County on a salary basis of compensation.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 891, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Starkey, Killian and Lutz (With Notice and Proof):

H. 892. To change the method of compensating the probate judge, the tax assessor and the tax collector of Jackson County, placing said officials on a salary basis; to provide that the fees, commissions and allowances provided such officials under the general law shall be paid into the county treasury.

Local Legislation No. 1.

**REGULAR SESSION**  
**10th Day**

525

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 892, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Robertson, Owens, Callahan, Crowe, Johnson, Howard and Lee:

H. 893. To amend Section 4(D) of Act 90, Fourth Special Session, 1975, so as to exclude speech pathologists or audiologists employed by the Alabama Department of Mental Health from the licensing provisions of said Act.

State Administration.

By Messrs. Roberts, Martin, Cross and Drake:

H. 894. Providing for a Board of Equalization and Adjustment of each county having a population of not less than 75,000, nor more than 90,000 according to the last or any subsequent federal decennial census, providing for abolishing the existing County Board of Equalization and transferring its duties to the Board of Equalization and Adjustment, further regulating the appointment and removal of the members of the Board, the terms of service, the compensation, the expense allowance of the members of the Board; making further provision in regard to office space, office fixtures and supplies of the Board, and providing for the employment of clerks and other employees of the Board; providing for the severability of the provisions of the Act and for its effective date.

Local Legislation No. 1.

By Messrs. Carter, Roberts, Drake, Crowe, Biddle, Warren, Robertson, McNeese, Weeks, Sasser and Greer:

H. 895. To regulate further the compensation of certain public officers; to provide for such a salary adjustment for employees of the Alabama Department of Conservation and Natural Resources who are classified as Conservation Enforcement Officers; to make an appropriation to implement this act; and specifically to provide that this act shall operate to increase the compensation only of those officers named herein and shall not affect the compensation of any other public officer; and to repeal conflicting laws.

Ways and Means.

By Messrs. Cross, Plaster, Folmar, Lockett, Roberts, Greer, Carter, Martin and Campbell:

H. 896. To license and regulate under the provisions of this Act grain dealers engaged in the business of purchasing grain.

Agriculture.

By Mr. Merrill:

H. 897. To further amend Title 14, Section 171 of the Code of Alabama of 1940, as amended, which sets the punishment and penalty for the crime of shooting pistols and certain other firearms or weapons or the throwing of missiles into certain dwellings and buildings, so as to make such actions a felony and to increase the penalties and punishment therefor.

Judiciary.

By Messrs. Weeks and Taylor:

H. 898. Relating to the retaining of attorneys in Workmen's Compensation cases, and to attorney fees and costs awarded in Workmen's Compensation cases; amending Section 261 of Title 26, Code of Alabama of 1940, as last amended, to provide for the retaining of an attorney and for the award of reasonable attorney fees in addition to the compensation paid to the workmen or dependents, and to provide that certain expenses of litigation shall be taxed as costs.

Judiciary.

By Messrs. Greer, Hill, Carter and Cross:

H. 899. To exempt from the provisions of the state income tax all active duty United States military personnel who are legal residents of this state, but who actually reside outside the state.

Ways and Means.

By Messrs. Greer, Carter, Cross, Martin and Naramore:

H. 900. To amend Section 71 of Title 3, Code of Alabama 1940 relating to the amount charged for the care of a lost animal, so as to increase such amount.

Agriculture.

By Mr. Pegues:

H. 901. To amend Act No. 2305, Regular Session, 1971, Sections 2, 5, 6 and 9 to change the rate of taxation from (13.5¢) thirteen and one-half cents per ton to (25¢) twenty-five cents per ton, to rewrite the distribution section to provide that the additional revenue shall be earmarked for the State General Fund, to amend Sections 6 and 9.

Ways and Means.

By Mr. Manley:

H. 902. Providing further for the residency requirement at institutions of higher learning for any student if one of the student's parents or legal guardians is either an employee of a United States Senator or Congressman representing this state or an officer or employee of the Executive Branch of the federal government on appointment by the President of the United States.

Ways and Means.

By Mr. McCulley:

H. 903. Relating to trees, tree seedlings and saplings of any kind or species on or within highway right of way in possession of, or under the control of the State of Alabama Highway Department; To constitute and make it a misdemeanor and to provide penalties for any person to cut down, deaden, girdle, box destroy, or to take away if already cut down, any tree, tree seedling or sapling of any kind or species on or within highway right of way in the possession of, or under the control of the State of Alabama Highway Department; to provide application to those aiding or abetting, or who are in any manner an accomplice therein; to provide for testimony to establish right of way in the possession of, or under the control of the Highway Department; and to exempt employees of the Highway Department from the penalties provided while acting within the line and scope of their employment.

State Administration.

By Mr. McCulley:

H. 904. To amend Act No. 753, S. 306, 1953 Regular Session (Acts of 1953, P. 1015) [now appearing in Code of Alabama, 1940, Recompiled 1958] to provide for monetary payments by any person, firm, corporation or association which, without the consent of the Director of the State of Alabama Highway Department, cuts down, digs up, deadens, girdles, boxes, destroys, or takes away trees already cut down or fallen, upon rights of way in possession of or under control of the Highway Department; to provide for the bringing of actions; to provide that certain testimony may be received in actions under the provisions of this act; and to exempt from the provisions of this act employees of the Highway Department acting within the line and scope of their employment.

State Administration.

By Mr. Owens:

H. 905. To create in the State of Alabama a "Joint Advisory Board of Family Practice" to further the supply of competent family physician; to provide for the Board's membership number and selection; and to establish the duties and authorities of the Advisory Board.

State Administration.

By Messrs. Kelley and Carter:

H. 906. To provide for license tags on boat trailers used in launching boats in or on any of the waters of this State; to provide for the cost thereof; and to provide for the disposition of the proceeds thereof.

Conservation.

By Mr. Hill:

H. 907. To amend Section 2 of Act No. 669, H. 792, 1939 Regular Session (Acts of 1939, p. 1064, now appearing in Code of Alabama, Recompiled 1958, Title 48, Section 301(2) entitled "Application of article," so as to exempt city school busses from mileage tax.

Ways and Means.

By Messrs. Sasser, Pegues, Campbell, Whatley, Smith (M), Baker, Carothers and Johnson:

H. 908. To propose an amendment to the Constitution of Alabama repealing Article 6, Section 148, Constitution of Alabama 1901 which created the Judicial Compensation Commission.

State Administration.

The above bill was read a first time at length as required by the Constitution.

By Mr. Smith (B):

H. 909. To provide that any person who violates the vehicle load limitations of Title 36, Section 89, Code of Alabama, 1940, as amended, shall be conclusively presumed to have damaged the public roads; to establish a schedule of damages on all highways not a part of the interstate system to be assessed against persons operating under permits authorized by Title 36, Section 91, Code of Alabama, 1940, as amended, but exceeding the limits allowed by such permits; to provide that damages shall be paid to the State Treasurer and credited to the department or departments having a legal responsibility of enforcing vehicle weight laws and to the county in which the violation occurred; to provide for

**JOURNAL OF THE HOUSE, 1977**  
**10th Day**

repeal of all inconsistent laws or parts of laws; to declare the provisions of this Act severable; and to set the date upon which this Act will become effective.

Highway Safety.

By Messrs. Killian and Starkey:

H. 910. Proposing an amendment to the State Constitution, relative to placing certain limits on the ad valorem tax rates in Jackson County.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Warren, Carter, McMillan and McCorquodale:

H. 911. To provide that the unauthorized sale of deer meat in this state shall be a public offense, and prescribing punishment therefor.

Conservation.

By Messrs. Moore (O), Waggoner and Smith (C):

H. 912. To further amend the Title and Section 1 of Act No. 1740, H. 2581, Regular Session 1971 (Acts 1971, p. 2906), as amended, relating to expense allowances for certain officials in counties having a population of not less than 36,500 nor more than 39,200, so as to change the words "judges of county inferior courts" to the word "magistrate"; to make such allowances mandatory; and to give this act retroactive effect.

Local Legislation No. 1.

By Messrs. Hilliard and Tucker:

H. 913. To amend Section 10 of Act No. 1053, H. 1901 of the 1973 Regular Session of the Legislature (Acts 1973, Vol. III, p. 1688) pertaining to additional unlawful acts in counties having populations of not less than 500,000 according to the 1970 or any subsequent federal decennial census, in regard to the sale of table wine, so as to make the unlawful acts in said counties conform to the general law of Alabama governing the sale of alcoholic beverages.

Local Legislation No. 2.

By Messrs. Jackson (R) and Howard:

H. 914. To provide a deduction from state income tax of 8% of any amount paid for rent during the tax year.

Public Welfare.

By Mr. Morris:

H. 915. To authorize the district attorney of the Fifth Judicial Circuit of Alabama to appoint a chief deputy district attorney and to prescribe his duties; to fix his compensation and the manner of its payment.

Ways and Means.

By Messrs. Smith (J), Crawford and Carothers:

H. 916. Relating to all counties having a population of not less than 56,500 nor more than 59,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide an additional expense allowance for members of the county commission.

Local Legislation No. 1.

**REGULAR SESSION**  
**10th Day**

529

By Mr. Johnson:

H. 917. To amend Act No. 1205, S. 400, Section 4-106 (g) (2) (A), Regular Session 1975 (Acts of Alabama 1975, p. 2397); now appearing in Title 13A, Section 4-106 (g) (2) (A), Code of Alabama (1940) (Recompiled 1958); now also appearing in Title 12, Section 12-17-251 (c) (1), Code of Alabama (1940) (Recompiled 1977) to regulate further the issuance of arrest warrants and search warrants and authorizing the issuance of arrest warrants and search warrants by District Court Magistrates who are other than licensed practicing attorneys in circuits composed of one county and having not less than five nor more than seven circuit judges.

Judiciary.

By Mr. Johnson:

H. 918. To create the office of Deputy District Attorney No. 6 of the Sixth Judicial Circuit and provide for the appointment, duties, and compensation of such office.

Ways and Means.

By Mr. Johnson:

H. 919. To provide for compensation of Deputy District Attorneys No. 4, No. 5, and No. 6 of the Sixth Judicial Circuit.

Ways and Means.

By Mr. Manley:

H. 920. To amend Code of Alabama 1940, Title 46, Section 24, which provides for the annual meeting of the state bar and for election of its officers so as to provide further for the election and succession of certain officers of the state bar.

Judiciary.

By Mr. Gafford:

H. 921: Relating to banking; to provide for the establishment, with the prior consent of the Superintendent of Banks, of branch banking offices of banks organized under the laws of the State of Alabama within the county wherein the bank maintained its principal banking office, in any county within which the bank maintains a branch banking office on February 28, 1977, and in any county which was, on February 1, 1977, within the same Standard Metropolitan Statistical Area as the county within which the principal banking office of the bank is located; to provide for the continued maintenance of branch banking offices upon a bank becoming a subsidiary of a bank holding company or other company or upon the conversion, merger or consolidation of one or more banks; to permit any bank to establish, operate, maintain, remove or relocate offices, facilities or places of business other than principal or branch banking offices; to validate the lawfulness of branch banking and other offices or facilities existing on the effective date hereof; to repeal acts inconsistent herewith; to provide that the provisions of this Act are severable and to provide for the effective date of this Act and sections hereof.

Banking.

By Messrs. Smith (C), Warren and Plaster:

H. 922. To amend Section 5 of Act No. 63, H. 68, 1971 Organizational Session (Acts of 1971, p. 101; appearing in Code of Alabama, Recompiled 1953, Title 47, Section 318), known as the Uniform Disposition of Unclaimed Property Act; so as to exempt patronage refunds of cooperatives,

State Administration.

By Messrs. White, Waggoner, Biddle, Armstrong, Falkenburg, Andrews, Hilliard, Trammell, Hopping, Jackson (R), Hall, Moore (O), Gafford and McNair:

H. 923. To apply to every county of the State having a population of 500,000 or more according to the last or any subsequent Federal census; to empower the governing body of any such county to require the officer or department of the county issuing license tags or plates pursuant to Act No. 524 of the Regular Session of the Legislature of 1975 (Ala. Acts, 1975, pp. 1177-1178) to charge and collect a fee, not exceeding One Dollar (\$1.00), to cover the expense of issuing by mail the tabs, disks or other devices said Act No. 524 provides shall constitute evidence of payment of the license fee for the fiscal year indicated on such tab, disk or other device; to provide that such officer or department shall pay into the county treasury and fees collected under the Act; and to repeal all laws, whether general, special or local, in conflict herewith to the extent of any such conflict.

Local Legislation No. 2.

By Mr. Reed:

H. 924. To amend Section 1 of Act No. 1935, H. 95 of the 1971 Regular Session [Acts of 1971, p. 3125; now appearing in Code of Alabama, Recompiled 1958, Title 52, Section 99(1)], entitled "An Act To provide that county boards of education shall have the power to establish and maintain kindergartens and playgrounds for children within their jurisdiction"; so as to reduce the minimum age children may attend.

Ways and Means.

By Mr. Reed:

H. 925. To amend Code of Alabama 1940, Title 52, Section 298, in relation to the minimum age at which children may enter school.

Ways and Means.

By Mr. McNair:

H. 926. To amend further Section 2 of Act No. 248, H. 580, 1945 Regular Session (Acts of 1945, p. 377; now appearing in Code of Alabama, Recompiled 1958, Appx., Section 646), relating to the establishment of a county civil service system for certain counties, so as to include police officers who are employed by municipalities whose population is 2500 or more according to the last federal census.

Local Government.

By Messrs. Carothers, Smith (J) and Crawford:

H. 927. Relating to all counties having populations of not less than 56,500 nor more than 59,000 inhabitants according to the 1970 or any subsequent federal decennial census; increasing the assessment rate of taxation on Class I property in such counties, which includes all property of utilities used in the business of such utilities.

Local Legislation No. 1.

By Messrs. Carothers, Crawford and Smith (J):

H. 928. Proposing an amendment to further amend Article XI, Section 217, subsection (b), of the Constitution of Alabama 1901 relative to ad valorem taxation; providing for the decrease of the assessment rate of taxation on Class III property, all agricultural, forest and residential property in Houston County.

Local Legislation No. 1.



The above bill was read a first time at length as required by the Constitution.

By Mr. Carothers:

H. 929. To provide for the licensing of certified public weighers by the Commissioner of Agriculture and Industries; to provide for the posting of a surety bond and for the liability of certified public weighers under certain conditions; to provide penalties for violations of the provisions of this act; and to repeal Title 2, Section 621 through Section 633, Code of Alabama 1940.

Commerce and Transportation.

By Messrs. Merrill, Holmes (D), Quarles and Shelton:

H. 930. Relating to all counties having a population of not less than 95,000 nor more than 115,000 according to the 1970 or any subsequent federal decennial census; to reimburse the office of license commissioner for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a maximum of twenty-five hundred dollars per annum.

Local Legislation No. 1.

By Messrs. Mitchem and Sandusky:

H. 931. To amend Sections 206, 207, 211 and 223, and all other sections of Chapter 7 of Title 22, Code of Alabama 1940, as amended, wherein the words or word "Alabama Dairy Commission" or the "Commission" appear, in order to provide for the abolishment of the Alabama Dairy Commission; to provide for the establishment and definition of the Milk Stabilization Council; to abolish wholesale and minimum retail milk price controls; to require the bidding of all milk sold for consumption in the public schools of Alabama; to continue in effect existing milk rules, regulations and orders of the predecessor Alabama Dairy Commission subject to review and action by the Milk Stabilization Council upon its appointment; and to provide for the repeal of all laws in conflict with this Act and establish the manner of the taking effect of this Act.

Agriculture.

## RESOLUTIONS

The following resolutions were introduced:

By Mr. Turnham:

H. J. R. 326. MOURNING THE DEATH OF COLONEL LOUIS J. COMPTON.

WHEREAS, the Legislature of Alabama was deeply saddened to learn of the death on February 26, 1977, of Colonel Louis J. Compton of Auburn, Alabama, a great Alabamian and loyal American; and

WHEREAS, Colonel Compton, a graduate of Vanderbilt University, was commissioned a 2nd lieutenant in the United States Army in 1917, and served with distinction in both World Wars I and II, first as instructor at Field Artillery School and Command and General Staff School, then graduated in 1938 from Army War College; during World War II, he was a lieutenant colonel in the intelligence section of the War Department and later served in the European Theater as a colonel in the 15th Army; and

WHEREAS, as a young captain, Compton was with the Auburn University ROTC from 1921-1925 and, after retirement in 1951, moved

back to Auburn where he was deeply involved in community affairs, and also served for twelve years as Auburn City Judge and was on the staff of the Alabama Industrial Board during Governor Folsom's administration; and

WHEREAS, he was an active and contributing member of Holy Trinity Episcopal Church in Auburn as a member of the Vestry from 1952-1955, Senior Warden in 1955, Layreader from 1952-1974, Layreader Emeritus beginning in 1975 and also served as Sunday School teacher between the years 1952-1968; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply regret and grievously mourn the death of Colonel Louis J. Compton, a man of great integrity and dignity, who was loyal to his friends, devoted to his family and dedicated in his sense of duty and responsibility to his church, his community, state and nation.

BE IT FURTHER RESOLVED, That we extend our deepest sympathy to his wife, Elizabeth Boon Compton, and to his daughter, Mrs. Julia C. Moore of Fort Meyers, Virginia, and his five grandchildren to whom copies of this resolution shall be sent.

On motion of Mr. Turnham, the rules were suspended and the resolution, H. J. R. 326, was adopted.

Also:

By Mr. Manley:

H. R. 327. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when the House adjourns today it will adjourn to meet again on Tuesday, March 8, 1977 at 10:45 a.m.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 327, was adopted.

#### NOTICE IN WRITING

Mr. McCluskey filed the following Notice in Writing:

Notice is hereby given in accordance with the House Rules that on the next legislative day a motion will be made to amend House Rule No. 1 to read as follows:

Rule 1. The doorkeeper shall, one hour before the hour fixed for the meeting of the House, clear the House of all persons not entitled to the floor. The doors of each house shall be opened except on such occasions as, in the opinion of the House, may require secrecy, but no person shall be admitted to the floor of either House while the same is in session, except members of the legislature, and the spouses of current members of the House, the officers and employees of the two Houses, the governor and his secretary, representatives of the press who shall be placed by the Clerk of the House, and other persons to whom either House, by unanimous vote, may extend the privileges of its floor; provided, however, that in addition on the first legislative day of any regular or special session the families of the members of the House shall have the privilege of the floor, for that legislative day only.

- (1) When former members are on the floor of the House, they shall not be engaged in any lobbying activities.
- (2) This rule shall be enforced by the Clerk of the House with or without the suggestion of any member of the House.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Martin:

**H. J. R. 328. URGING THE UNITED STATES CONGRESS TO AMEND THE ENDANGERED SPECIES ACT OF 1973 TO PERMIT THE COMPLETION OF PROJECTS AND PROGRAMS FOR THE PUBLIC WELFARE.**

WHEREAS, the Endangered Species Act of 1973 has been used to halt, delay, or otherwise prevent the initiation and completion of transportation, energy, and water resource development projects; and

WHEREAS, these developmental projects will contribute immensely to the future welfare of the people of the State of Alabama by providing needed jobs, electric energy, water supply, flood protection, recreation, and otherwise stimulating commerce and creating new employment opportunities for its people; and

WHEREAS, the completion of projects presently under construction will avoid the waste of scarce national resources and public funds already committed to these projects and fulfill the public needs and plans of local communities which have participated in and contributed towards their development; and

WHEREAS, the Governor and the Senate and House of Representatives of the State of Alabama believe that legislation should allow for responsible balancing of all factors relevant to providing a quality environment for man, which considers his economic and social needs as well as important ecological concerns; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby memorialize, request, and recommend to the United States Congress to amend the Endangered Species Act of 1973 to provide for balancing conservation interests with the social and economic needs of the people, and to allow for the completion and use of projects that are already under construction; and, further, urge President Jimmy Carter to support and sign such changes into law.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to all members of the Alabama Congressional delegation and to President Jimmy Carter.

On motion of Mr. Martin, the rules were suspended and the resolution, H. J. R. 328, was adopted.

Also:

By Mr. Jackson (F):

**H. J. R. 329. CONGRATULATING AND COMMENDING THE ANDALUSIA HIGH SCHOOL FOOTBALL TEAM.**

WHEREAS, the Andalusia High School Bulldogs, jointly with the Athens High Golden Eagles, hold the class 3A State Championship; and

WHEREAS, this past season's outstanding team merely continued the fabulous winning streak which began in 1972 for the Andalusia Bulldogs with not a single defeat in 41 straight games of regular season play; and

WHEREAS, such an enviable record is due in large part to the expert coaching abilities and all-out efforts of Head Coach Don Sharpe, and Assistant Coaches Gwin Burket, Felix Boswell, Richard Robertson and Tommy Elland; also to the exceptional talent and will-to-win spirit displayed by all the players and managers, with the teams exhibiting good sportsmanship and fair play throughout every game as they continued to win graciously year after year; and

WHEREAS, much credit is further due to the support and encouragement afforded the team by their excellent cheerleaders, the Quarterback Club, their tremendous band, loyal student body and other fans; in great measure to administrative and faculty support of all Andalusia High Athletic endeavors by Superintendent Oscar Zennah, members of the Andalusia City Board of Education, Dr. Ed Richardson, Principal, and Assistant Principal Clayton Bryant; and

WHEREAS, a milestone has been reached as the graduates of this year's senior class of '77 have never seen their school team lose a regular season game since they have attended Andalusia High; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily congratulate the Andalusia High School Football Team for their Class 3A State Championship and for their laudable record since 1972 of 41 regular season games without a loss.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to each of the coaches, and a copy to the Principal, Dr. Ed Richardson, on behalf of the team and the entire student body.

On motion of Mr. Jackson (F), the rules were suspended and the resolution, H. J. R. 329, was adopted.

Also:

By Mr. Callahan:

H. J. R. 330. EXCLUDING THE DEPARTMENT OF YOUTH SERVICES FROM LEGISLATIVE REVIEW UNDER THE ALABAMA SUNSET LAW OF 1976 DURING THE 1977 LEGISLATIVE SESSION.

WHEREAS, eighteen (18) state agencies enumerated in Section 3(a) of the Alabama Sunset Law of 1976 are subject to termination on October 1, 1977; and

WHEREAS, definitive action is required on each agency by consideration of a separate resolution; and

WHEREAS, continuance or termination of the eighteen (18) agencies listed in said section is a pressing issue demanding immediate attention; and

WHEREAS, the Department of Youth Services is not one of said agencies subject to termination during this legislative session; and

WHEREAS, an opinion from the State Attorney General's Office concluded that the Department of Youth Services is not subject to termination until October 1, 1978; and

WHEREAS, that same opinion from the Attorney General declared that the Department of Youth Services is not subject to legislative review until at least four months prior to the 1978 Regular Session; and

**REGULAR SESSION**  
**10th Day**

535

WHEREAS, said opinion deemed the actions of the legislative review committee in reviewing and reporting their findings as to the Department of Youth Services premature; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Department of Youth Services is expressly excluded from legislative review under the Alabama Sunset Law of 1976 during the 1977 legislative session.

On motion of Mr. Callahan, the rules were suspended and the resolution, H. J. R. 330, was adopted.

**RESOLUTIONS**

The following resolutions introduced on the ninth legislative day were read by title pursuant to Joint Rule 11:

**H. J. R. 111. COMMENDING DR. BILL HARTLEY, PASTOR OF THE RIDGECREST BAPTIST CHURCH.**

**H. J. R. 112. COMMENDING REVEREND CLAUDE WHITEHEAD, PASTOR OF THE HUFFMAN UNITED METHODIST CHURCH.**

On motion of Mr. Manley, the resolutions were adopted en masse.

**MOTION TO SUSPEND RULES LOST**

The motion offered by Mr. Kinsey to suspend the rules in order to bring up out of order the third reading of the bill, H. 475, was lost.

**NOTICE IN WRITING WITHDRAWN**

Mr. McCluskey withdrew the Notice in Writing filed by him on the eighth legislative day, to amend House Rule No. 1.

**NOTICE IN WRITING**

Mr. Lutz filed the following Notice in Writing;

Notice is hereby given that on the next legislative day a motion will be made to amend the House Rules by adding a new rule as follows:

“Rule \_\_\_\_\_. No public hearings shall be held by any standing committee except by majority vote of the committee.”

**MOTION TO SUSPEND RULES LOST**

The motion offered by Mr. Smith (B), to suspend the rules in order to take up out of order the third reading of the bill, H. 72, was lost.

**RESOLUTIONS**

One hour after the meeting had begun being expired, the House proceeded to take up the resolutions of the “Sunset Committee” which recommended the adoption of the Resolutions 116 through 325.

By Sunset Committee:

**H. J. R. 116. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LEGISLATIVE REFERENCE SERVICE.**

WHEREAS, pursuant to the “Alabama Sunset Law of 1976,” Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Legislative Reference Service; and

WHEREAS, following a review and evaluation relative to the continued existence of the Legislative Reference Service, the committee voted on October 12, 1976 to recommend the continued existence of the Legislative Reference Service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislative Reference Service, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 116, was adopted.

Yeas 95; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—95

*Also:*

By Sunset Committee:

H. J. R. 117. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA LAW INSTITUTE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Law Institute; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Law Institute, the committee voted on October 12, 1976 to recommend the continued existence of the Alabama Law Institute; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Law Institute, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 117, was adopted.

Yeas 89; Nays 0.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carter, Cates, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Kennedy,

**REGULAR SESSION**  
**10th Day**

537

Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—39

Also:

By Sunset Committee:

**H. J. R. 118. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LEGISLATIVE FISCAL OFFICE.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Legislative Fiscal Office; and

WHEREAS, following a review and evaluation relative to the continued existence of the Legislative Fiscal Office, the committee voted on October 12, 1976 to recommend the continued existence of the Legislative Fiscal Office; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Legislative Fiscal Office, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 118, was adopted.

Yeas 95; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—95

Also:

By Sunset Committee:

**H. J. R. 119. PROVIDING FOR THE CONTINUED EXISTENCE OF THE REVENUE DEPARTMENT.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Revenue Department; and

WHEREAS, following a review and evaluation relative to the continued existence of the Revenue Department, the committee voted on October 12, 1976 to recommend the continued existence of the Revenue Department; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Revenue Department, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 119, was adopted.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—94

Also:

By Sunset Committee:

H. J. R. 120. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LEGISLATIVE COUNCIL.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Legislative Council; and

WHEREAS, following a review and evaluation relative to the continued existence of the Legislative Council, the committee voted on October 12, 1976 to recommend the continued existence of the Legislative Council; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislative Council, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 120, was adopted.

Yeas 92; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), John-



REGULAR SESSION  
10th Day

539

son, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—92

Also:

By Sunset Committee:

**H. J. R. 121. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CODE REVISION COMMISSION.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Code Revision Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Code Revision Commission, the committee voted on October 12, 1976 to recommend the continued existence of the Code Revision Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Code Revision Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 121, was adopted.

Yeas 93; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—93

Also:

By Sunset Committee:

**H. J. R. 122. PROVIDING FOR THE CONTINUED EXISTENCE OF THE EXAMINERS OF PUBLIC ACCOUNTS.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Examiners of Public Accounts; and

WHEREAS, following a review and evaluation relative to the continued existence of the Examiners of Public Accounts, the committee voted on October 12, 1976 to recommend the continued existence of the Examiners of Public Accounts; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Examiners of Public Accounts, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 122, was adopted.

Yeas 92; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Coburn, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harrison, Hill, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—92

Also:

By Sunset Committee:

H. J. R. 123. PROVIDING FOR THE CONTINUED EXISTENCE OF THE RETIREMENT SYSTEMS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Retirement Systems; and

WHEREAS, following a review and evaluation relative to the continued existence of the Retirement Systems, the committee voted on October 12, 1976 to recommend the continued existence of the Retirement Systems; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Retirement Systems, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 123, was adopted.

Yeas 92; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carter, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harrison, Hill, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone,

**REGULAR SESSION**  
**10th Day**

541

Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—92

**MESSAGE FROM THE SENATE**

**Mr. Speaker:**

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Owen:

S. J. R. 266. WHEREAS, The State of Alabama is privileged to have as its guest on Thursday, March 3, 1977, the distinguished Admiral James L. Holloway, III, United States Chief of Naval Operations; and

WHEREAS, The Legislature of Alabama will benefit greatly from the remarks and counsel of the Admiral with regard to the current military capability of the Nation; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Senate and House of Representatives respectfully welcome Admiral Holloway to address its full membership in a joint session on Thursday, March 3, 1977, at 2.00 p.m.

McDOWELL LEE,  
Secretary.

**MOTION TO SUSPEND RULES AND ADOPT**

Mr. Merrill offered the motion that the House suspend the rules and concur in and adopt the resolution, S. J. R. 266, set out in the above and foregoing Message from the Senate.

**DIVISION OF THE QUESTION**

Mr. Lutz called for the Division of the Question, and the call was sustained.

**MOTION TO SUSPEND RULES ADOPTED**

The question was then on the motion offered by Mr. Merrill to suspend the rules in order to concur in and adopt the resolution, S. J. R. 266, and the motion was adopted.

**SENATE MESSAGE**

On motion of Mr. Merrill, the House concurred in and adopted the resolution, S. J. R. 266, set out in the above and foregoing Message from the Senate.

**RESOLUTIONS RESUMED**

**Also:**

By Sunset Committee:

H. J. R. 124. PROVIDING FOR THE TERMINATION OF THE BICENTENNIAL COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Bicentennial Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Bicentennial Commission, the committee voted on October 12, 1976 to recommend termination of the Bicentennial Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Bicentennial Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

And the resolution, H. J. R. 124, was adopted.

Yeas 83; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Barron, Biddle, Boles, Buskey, Callahan, Campbell, Carothers, Carter, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White and Wyatt.

—83

#### MOTION TO RECESS LOST

The motion offered by Mr. Holley that the House recess until 12:30 o'clock p.m., was lost.

Yeas 41; Nays 41.

*Yeas:*

Messrs.: Andrews, Armstrong, Barron, Biddle, Boles, Buskey, Campbell, Carothers, Coburn, Crowe, Dial, Edwards, Falkenburg, Folmar, Goodwin, Greer, Hall, Harrison, Hines, Holley, Hopping, Jackson (R), Kennedy, Leonard, Lewis, Lockett, Lutz, McCulley, McNair, McNees, Manley, Moore (W), Sandusky, Smith (J), Sonnier, Trammell, Turnham, Waggoner, Warren, White and Shoemaker.

—41

*Nays:*

Messrs.: Carter, Cates, Crawford, Cross, Drake, Gafford, Gregg, Harris, Hill, Hilliard, Holmes (D), Howard, Jackson (F), Johnson, Johnstone, Kelley, Killian, Kinsey, Lee, McCluskey, McMillan, Martin, Merrill, Moore (O), Naramore, Owens, Porter, Quarles, Rich, Roberts, Sasser, Shelton, Smith (B), Smith (C), Sparks, Starkey, Tucker, Venable, Weeks, Williams and Wyatt.

—41

RESOLUTIONS RESUMED

Also:

By Sunset Committee:

H. J. R. 125. PROVIDING FOR THE CONTINUED EXISTENCE OF THE EDUCATION STUDY COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Education Study Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Education Study Commission, the committee voted on October 12, 1976 to recommend the continued existence of the Education Study Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Education Study Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 125, was adopted.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Barron, Biddle, Callahan, Campbell, Carothers, Carter, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—80

Also:

By Sunset Committee:

H. J. R. 126. PROVIDING FOR THE CONTINUED EXISTENCE OF THE SOCIAL SECURITY BOARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Social Security Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Social Security Board, the committee voted on October 12, 1976 to recommend the continued existence of the Social Security Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Social Security Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 126, was adopted.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Buskey, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harrison, Hill, Hines, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Porter, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—78

Also:

By Sunset Committee:

H. J. R. 127. PROVIDING FOR THE CONTINUED EXISTENCE OF THE JACKSONVILLE STATE UNIVERSITY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Jacksonville State University; and

WHEREAS, following a review and evaluation relative to the continued existence of the Jacksonville State University, the committee voted on October 12, 1976 to recommend the continued existence of the Jacksonville State University; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Jacksonville State University, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 127, was adopted.

Yeas 81; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Boles, Buskey, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harrison, Hill, Hilliard, Hines, Holmes (D), Howard, Jackson (F), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Porter, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Trammell, Tucker,

Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—81

Nay: Mr. Campbell.

—1

Also:

By Sunset Committee:

H. J. R. 128. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEPARTMENT OF INDUSTRIAL RELATIONS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Department of Industrial Relations; and

WHEREAS, following a review and evaluation relative to the continued existence of the Department of Industrial Relations, the committee voted to recommend the continued existence of the Department of Industrial Relations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Department of Industrial Relations, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 128, was adopted.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Buskey, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—81

Also:

By Sunset Committee:

H. J. R. 129. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ADVISORY COUNCIL.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Advisory Council; and

WHEREAS, following a review and evaluation relative to the continued existence of the Advisory Council, the committee voted on October 19, 1976, to recommend the continued existence of the Advisory Council; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Advisory Council, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 129, was adopted.

Yeas 75; Nays 2.

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddie, Boles, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harrison, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Jackson (R), Johnson, Kelley, Killian, Leonard, Lewis, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—75

Nays: Messrs.: Riddick and Whatley.

—2

Also:

By Sunset Committee:

H. J. R. 130. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE PERSONNEL BOARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Personnel Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Personnel Board, the committee voted on October 19, 1976, to recommend the continued existence of the State Personnel Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Personnel Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, to be continued in existence.

And the resolution, H. J. R. 130, was adopted.

Yeas 82; Nays 2.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harrison, Hilliard, Hines, Holmes (A), Holmes (D), Howard, Jackson (F), Jackson (R), Johnson, Kelley, Kennedy, Killian, Leonard, Lewis, Lutz, McCluskey, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, San-



REGULAR SESSION  
10th Day

547

dusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams, Wyatt and Shoemaker.

—82

*Nays:* Messrs.: Crowe and Whatley.

—2

*Also:*

By Sunset Committee:

H. J. R. 131. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEPARTMENT OF LABOR.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Department of Labor; and

WHEREAS, following a review and evaluation relative to the continued existence of the Department of Labor, the committee voted to recommend the continued existence of the Department of Labor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Department of Labor, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 131, was adopted.

Yeas 80; Nays 3.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harrison, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (R), Johnson, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams, Wyatt and Shoemaker.

—80

*Nays:* Messrs.: Folmar, Smith (M) and Whatley.

—3

*Also:*

By Sunset Committee:

H. J. R. 132. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA SECURITIES COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Securities Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Securities Commission, the committee

voted on October 19, 1976, to recommend the continued existence of the Alabama Securities Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Securities Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 132, was adopted.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Jackson (F), Jackson (R), Johnson, Kelley, Kinsey, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—85

Also:

By Sunset Committee:

H. J. R. 133. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA COUNCIL ON THE ARTS & HUMANITIES.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Council on the Arts & Humanities; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Council on the Arts & Humanities, the committee voted on October 19, 1976, to recommend the continued existence of the Alabama Council on the Arts & Humanities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Council on the Arts & Humanities, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 133, was adopted.

Yeas 86; Nays 3.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holmes (A), Holmes (D), Howard, Jackson (F), Jackson (R), Johnson, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore

REGULAR SESSION  
10th Day

549

(O), Moore (W), Naramore, Owens, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—86

*Nays:* Messrs.: Crawford, Lutz and Smith (F).

—3

Also:

By Sunset Committee:

H. J. R. 134. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ATHENS STATE COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Athens State College; and

WHEREAS, following a review and evaluation relative to the continued existence of the Athens State College, the committee voted on October 19, 1976, to recommend the continued existence of the Athens State College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Athens State College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 134, was adopted.

Yeas 80; Nays 5.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Buskey, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Harris, Harrison, Hill, Hilliard, Hines, Holmes (A), Holmes (D), Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Killian, Kinsey, Leonard, Lewis, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—80

*Nays:* Messrs.: Barron, Hall, Lutz, McNair and Smith (B).

—5

MOTION TO TEMPORARILY CARRY OVER

On motion of Mr. Drake, the resolution, H. J. R. 135, was temporarily carried over.

Also:

By Sunset Committee:

H. J. R. 136. PROVIDING FOR THE CONTINUED EXISTENCE OF THE GEOLOGICAL SURVEY OF ALABAMA.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Geological Survey of Alabama; and

WHEREAS, following a review and evaluation relative to the continued existence of the Geological Survey of Alabama, the committee voted on October 19, 1976, to recommend the continued existence of the Geological Survey of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Geological Survey of Alabama, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 136, was adopted.

Yeas 77; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carter, Cates, Clark, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holmes (A), Holmes (D), Johnson, Johnstone, Kelley, Kennedy, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams, Wyatt and Shoemaker.

—77

Nay: Mr. Whatley.

—1

Also:

By Sunset Committee:

H. J. R. 137. PROVIDING FOR THE CONTINUED EXISTENCE OF THE OFFICE OF THE COORDINATOR OF HIGHWAY & TRAFFIC SAFETY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Office of the Coordinator of Highway & Traffic Safety; and

WHEREAS, following a review and evaluation relative to the continued existence of the Office of the Coordinator of Highway & Traffic Safety, the committee voted to recommend the continued existence of the Office of the Coordinator of Highway & Traffic Safety; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Office of the Coordinator of Highway & Traffic Safety, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

**REGULAR SESSION**  
**10th Day**

551

And the resolution, H. J. R. 137, was adopted.

Yeas 81; Nays 0.

**Yeas:**

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Clark, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holmes (A), Holmes (D), Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—81

**Also:**

By Sunset Committee:

**H. J. R. 138. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LIVINGSTON STATE UNIVERSITY.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Livingston State University; and

WHEREAS, following a review and evaluation relative to the continued existence of the Livingston State University, the committee voted on October 19, 1976, to recommend the continued existence of the Livingston State University; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Livingston State University, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 138, was adopted.

Yeas 83; Nays 0.

**Yeas:**

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Clark, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Greer, Hall, Harris, Hill, Hilliard, Hines, Holmes (A), Holmes (D), Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—83

**Also:**

By Sunset Committee:

**H. J. R. 139. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LYMAN WARD MILITARY ACADEMY.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Lyman Ward Military Academy; and

WHEREAS, following a review and evaluation relative to the continued existence of the Lyman Ward Military Academy, the committee voted on October 19, 1976, to recommend the continued existence of the Lyman Ward Military Academy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Lyman Ward Military Academy, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 139, was adopted .

Yeas 76; Nays 6.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Clark, Cross, Crowe, Drake, Falkenburg, Folmar, Ford, Gafford, Greer, Gregg, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Wyatt and Shoemaker.

—76

*Nays:* Messrs.: Barron, Crawford, Hall, Lutz, Riddick and Smith (B).

—6

*Also:*

By Sunset Committee:

H. J. R. 140. PROVIDING FOR THE CONTINUED EXISTENCE OF THE MARION INSTITUTE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Marion Institute; and

WHEREAS, following a review and evaluation relative to the continued existence of the Marion Institute, the committee voted on October 19, 1976, to recommend the continued existence of the Marion Institute; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Marion Institute, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 140, was adopted.

Yeas 82; Nays 4.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Clark, Crawford, Crowe,

REGULAR SESSION  
10th Day

553

Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Johnson, Johnstone, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—82

*Nays:* Messrs.: Barron, Jackson (R), Lutz and Riddick.

—4

*Also:*

*By Sunset Committee:*

H. J. R. 141. PROVIDING FOR THE CONTINUED EXISTENCE OF THE MOTION PICTURE AND TELEVISION ADVISORY COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Motion Picture and Television Advisory Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Motion Picture and Television Advisory Commission, the committee voted on October 19, 1976, to recommend the continued existence of the Motion Picture and Television Advisory Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Motion Picture and Television Advisory Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 141, was adopted.

Yeas 81; Nays 6.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Clark, Coburn, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Lee, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Sonnier, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Wyatt and Shoemaker.

—81

*Nays:* Messrs.: Crawford, Kinsey, Lewis, McNair, Taylor and Williams.

—6

Also:

By Sunset Committee:

H. J. R. 142. PROVIDING FOR THE CONTINUED EXISTENCE OF THE SOUTHERN INTERSTATE NUCLEAR BOARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Southern Interstate Nuclear Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Southern Interstate Nuclear Board, the committee voted on October 19, 1976, to recommend the continued existence of the Southern Interstate Nuclear Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Southern Interstate Nuclear Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 142, was adopted.

Yeas 78; Nays 2.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Gregg, Hall, Harris, Hilliard, Hines, Holmes (A), Holmes (D), Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Lee, Lockett, McCluskey, McCulley, McMillan, McNair, McNees, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—78

Nays: Messrs.: Andrews and Kinsey.

—2

Also:

By Sunset Committee:

H. J. R. 143. PROVIDING FOR THE CONTINUED EXISTENCE OF THE TANNEHILL FURNACE & FOUNDRY COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Tannehill Furnace & Foundry Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Tannehill Furnace & Foundry Commission, the committee voted on October 19, 1976, to recommend the continued existence of the Tannehill Furnace & Foundry Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Tannehill Furnace &



REGULAR SESSION  
10th Day

555

Foundry Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 143, was adopted.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Gregg, Hall, Harris, Harrison, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (R), Johnson, Johnstone, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—86

Also:

By Sunset Committee:

H. J. R. 144. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA COMMISSION ON HIGHER EDUCATION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Commission on Higher Education; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Commission on Higher Education, the committee voted to recommend the continued existence of the Alabama Commission on Higher Education; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Commission on Higher Education, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 144, was adopted.

Yeas 78; Nays 10.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Buskey, Callahan, Campbell, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Jackson (F), Jackson (R), Johnstone, Kelley, Kennedy, Killian, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Owens, Porter, Quarles, Reed, Rich, Riddick, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams, Wyatt and Shoemaker.

—78

*Nays:*

Messrs.: Carter, Johnson, Kinsey, McNair, Martin, Morris, Naramore, Roberts, Smith (J), and Whatley.

—10

## H. J. R. 135 TAKEN UP

The resolution, H. J. R. 135 which previously was temporarily postponed, was taken up.

By Sunset Committee:

H. J. R. 135. PROVIDING FOR THE TERMINATION OF THE STATE BOARD OF AUCTIONEERS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Board of Auctioneers; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Board of Auctioneers, the committee voted to recommend termination of the State Board of Auctioneers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Board of Auctioneers, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

## SUBSTITUTE OFFERED

Mr. Carothers offered the following substitute to the resolution, H. J. R. 135.

H. J. R. 135. PROVIDING FOR THE CONTINUATION OF THE STATE BOARD OF AUCTIONEERS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Board of Auctioneers; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Board of Auctioneers, the committee voted to recommend termination of the State Board of Auctioneers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Board of Auctioneers, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby continued.

## SUBSTITUTE ADOPTED

The substitute offered by Mr. Carothers, to the resolution, H. J. R. 135, was adopted.

Yeas 58; Nays 17.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Dial, Drake, Edwards, Falken-

REGULAR SESSION  
10th Day

557

burg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hill, Hines, Holley, Holmes (A), Holmes (D), Jackson (F), Kelley, Lee, McCluskey, McCulley, McMillan, McNair, McNees, Moore (W), Morris, Naramore, Owens, Quarles, Rich, Roberts, Robertson, Sasser, Smith (B), Smith (J), Smith (M), Sparks, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—58

*Nays:*

Messrs.: Andrews, Barron, Callahan, Cross, Hall, Harrison, Hilliard, Johnson, Kennedy, Killian, Leonard, Lewis, Lockett, Lutz, Merrill, Porter and Shelton.

—17

And the resolution, H. J. R. 135, as amended, was adopted.

Yeas 67; Nays 12.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Gregg, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Jackson (F), Johnson, Kelley, Lee, McCluskey, McCulley, McMillan, McNair, McNees, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Quarles, Rich, Roberts, Robertson, Smith (B), Smith (J), Smith (M), Sparks, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—67

*Nays:*

Messrs.: Andrews, Barron, Buskey, Cross, Hall, Harrison, Kennedy, Leonard, Lewis, Lockett, Merrill and Shelton.

—12

Also:

By Sunset Committee:

H. J. R. 145. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA POST SECONDARY 1202 COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Post Secondary 1202 Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Post Secondary 1202 Commission, the committee voted to recommend the continued existence of the Alabama Post Secondary 1202 Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Post Secondary 1202 Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 145, was adopted.

Yeas 83; Nays 1.

*Yeas:*

Mr. Speaker, Albright, Andrews, Baker, Barron, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial,

Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Jackson (R), Johnson, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNeas, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—83

*Nay:* Mr. Johnstone.

## MOTION TO RECESS

Mr. White offered the motion that the House recess for forty-five minutes.

## SUBSTITUTE MOTION LOST

The substitute motion offered by Mr. Robertson that the House adjourn, was lost.

Yeas 13; Nays 71.

*Yeas:*

Messrs.: Drake, Folmar, Ford, Hilliard, Hopping, Jackson (F), Johnson, Manley, Moore (W), Owens, Robertson, Turnham and Weeks.

—13

*Nays:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carter, Cates, Clark, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Gafford, Greer, Gregg, Hall, Harris, Hill, Hines, Holley, Holmes (A), Holmes (D), Jackson (R), Johnstone, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNeas, Martin, Merrill, Mitchem, Moore (O), Naramore, Porter, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Starkey, Taylor, Trammell, Tucker, Venable, Waggoner, Warren, Whatley, White, Williams, Wyatt and Shoemaker.

—71

## MOTION TO RECESS LOST

The question was then on the motion offered by Mr. White that the House recess for forty-five minutes, and the motion was lost.

Yeas 21; Nays 67.

*Yeas:*

Messrs.: Albright, Barron, Campbell, Clark, Crowe, Falkenburg, Folmar, Gafford, Hall, Holmes (A), Hopping, Leonard, McNair, Manley, Naramore, Porter, Smith (J), Starkey, Taylor, Turnham and White.

—21

*Nays:*

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Buskey, Carter, Cates, Coburn, Crawford, Cross, Dial, Drake, Ford, Goodwin, Greer, Gregg, Harris, Hill, Hilliard, Hines, Holley, Holmes (D), Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Lockett, Lutz, McCluskey, McMillan, McNeas, Martin, Merrill,

Mitchem, Moore (O), Moore (W), Morris, Owens, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, Williams, Wyatt and Shoemaker.

—67

RESOLUTIONS RESUMED

By Sunset Committee:

H. J. R. 146. PROVIDING FOR THE CONTINUED EXISTENCE OF THE SYLACAUGA NURSES TRAINING SCHOOL.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Sylacauga Nurses Training School; and

WHEREAS, following a review and evaluation relative to the continued existence of the Sylacauga Nurses Training School, the committee voted to recommend the continued existence of the Sylacauga Nurses Training School; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Sylacauga Nurses Training School, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 146, was adopted.

Yeas 88; Nays 2.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams, Wyatt and Shoemaker.

—38

Nays: Messrs.: Harrison and McNair.

—2

Also:

By Sunset Committee:

H. J. R. 147. PROVIDING FOR THE CONTINUED EXISTENCE OF TROY STATE UNIVERSITY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Troy State University; and

WHEREAS, following a review and evaluation relative to the continued existence of Troy State University, the committee voted to recommend the continued existence of Troy State University; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Troy State University, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 147, was adopted.

Yeas 86; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—86

Nay: Mr. Harrison.

—1

Also:

By Sunset Committee:

H. J. R. 148. PROVIDING FOR THE CONTINUED EXISTENCE OF THE UNIVERSITY OF MONTEVALLO.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the University of Montevallo; and

WHEREAS, following a review and evaluation relative to the continued existence of the University of Montevallo, the committee voted to recommend the continued existence of the University of Montevallo; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the University of Montevallo, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 148, was adopted.

Yeas 82; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Hill, Hines, Holmes (D), Hopping, Howard, John-

son, Johnstone, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—82

Nay: Mr. Jackson (F).

—1

Also:

By Sunset Committee:

H. J. R. 149. PROVIDING FOR THE CONTINUED EXISTENCE OF THE SPORTS HALL OF FAME BOARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Sports Hall of Fame Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Sports Hall of Fame Board, the committee voted to recommend the continued existence of the Sports Hall of Fame Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Sports Hall of Fame Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 149, was adopted.

Yeas 81; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Taylor, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, White Williams, Wyatt and Shoemaker.

—81

Nay: Mr. Whatley.

—1

Also:

By Sunset Committee:

H. J. R. 150. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BIRMINGHAM FESTIVAL OF ARTS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered

upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Birmingham Festival of Arts; and

WHEREAS, following a review and evaluation relative to the continued existence of the Birmingham Festival of Arts, the committee voted to recommend the continued existence of the Birmingham Festival of Arts; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Birmingham Festival of Arts, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 150, was adopted.

Yeas 87; Nays 4.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Taylor, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, White, Williams, Wyatt and Shoemaker.

—87

*Nays:* Messrs.: Carothers, Holley, Riddick and Whatley.

—4

Also:

By Sunset Committee:

H. J. R. 151. PROVIDING FOR THE CONTINUED EXISTENCE OF THE UNIVERSITY OF ALABAMA SYSTEM.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the University of Alabama System; and

WHEREAS, following a review and evaluation relative to the continued existence of the University of Alabama System, the committee voted to recommend the continued existence of the University of Alabama System; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the University of Alabama System, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 151, was adopted.

Yeas 88; Nays 1.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn,



REGULAR SESSION  
10th Day

563

Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Killian, Kinsey, Lee, Leonard, Lockett, McCluskey, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—88

Nay: Mr. Kennedy.

—1

Also:

By Sunset Committee:

H. J. R. 152. PROVIDING FOR THE CONTINUED EXISTENCE OF THE AUBURN UNIVERSITY SYSTEM.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Auburn University System; and

WHEREAS, following a review and evaluation relative to the continued existence of the Auburn University System, the committee voted to recommend the continued existence of the Auburn University System; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Auburn University System, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 152, was adopted.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Dial, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—89

Also:

By Sunset Committee:

H. J. R. 153. PROVIDING FOR THE CONTINUED EXISTENCE OF THE GORGAS MEMORIAL (UNIVERSITY OF ALABAMA).

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Gorgas Memorial (University of Alabama); and

WHEREAS, following a review and evaluation relative to the continued existence of the Gorgas Memorial (University of Alabama), the committee voted to recommend the continued existence of the Gorgas Memorial (University of Alabama); now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Gorgas Memorial (University of Alabama), pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 153, was adopted.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Carothers, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Porter, Quarles, Reed, Rich, Riddick, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams, Wyatt and Shoemaker.

—84

Also:

By Sunset Committee:

H. J. R. 154. PROVIDING FOR THE CONTINUED EXISTENCE OF THE U.S.S. BATTLESHIP COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the U.S.S. Battleship Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the U.S.S. Battleship Commission, the committee voted to recommend the continued existence of the U.S.S. Battleship Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the U.S.S. Battleship Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 154, was adopted.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Cates, Clark, Coburn, Crawford,

REGULAR SESSION  
10th Day

565

Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—86

Also:

By Sunset Committee:

H. J. R. 155. PROVIDING FOR THE CONTINUED EXISTENCE OF THE TUSKEGEE INSTITUTE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Tuskegee Institute; and

WHEREAS, following a review and evaluation relative to the continued existence of the Tuskegee Institute, the committee voted to recommend the continued existence of the Tuskegee Institute; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Tuskegee Institute, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 155, was adopted.

Yeas 87; Nays 3.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McMillan, McNair, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—87

Nays: Messrs.: Barron, Hall and Riddick.

—3

Also:

By Sunset Committee:

H. J. R. 156. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE FAIR AUTHORITY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered

upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Fair Authority; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Fair Authority, the committee voted to recommend the continued existence of the State Fair Authority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Fair Authority, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 156, was adopted.

Yeas 86; Nays 3.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNeas, Merrill, Mitchem, Moore (W), Morris, Owens, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—86

*Nays:* Messrs.: Kinsey, Martin and Naramore.

—3

*Also:*

By Sunset Committee:

H. J. R. 157. PROVIDING FOR THE CONTINUED EXISTENCE OF THE MONTGOMERY INSTITUTE FOR NEUROLOGICAL DEVELOPMENT.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Montgomery Institute for Neurological Development; and

WHEREAS, following a review and evaluation relative to the continued existence of the Montgomery Institute for Neurological Development, the committee voted to recommend the continued existence of the Montgomery Institute for Neurological Development; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Montgomery Institute for Neurological Development, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 157, was adopted.

REGULAR SESSION  
10th Day

567

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Dial, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—84

Also:

By Sunset Committee:

H. J. R. 158. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA OCCUPATIONAL INFORMATION SYSTEM.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Occupational Information System; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Occupational Information System, the committee voted to recommend the continued existence of the Alabama Occupational Information System; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Occupational Information System, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 158, was adopted.

Yeas 83; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Kelley, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sasser, Shetlon, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—83

Nay: Mr. Holley.

—1

Also:

By Sunset Committee:

H. J. R. 159. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA HIGH SCHOOL OF FINE ARTS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama High School of Fine Arts; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama High School of Fine Arts, the committee voted to recommend the continued existence of the Alabama High School of Fine Arts; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama High School of Fine Arts, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 159, was adopted.

Yeas 82; Nays 6.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNair, McNeese, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Quarles, Reed, Rich, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams, Wyatt and Shoemaker.

—82

Nays: Messrs.: Holley, Lutz, Morris, Owens, Riddick and Whatley.

—6

Also:

By Sunset Committee:

H. J. R. 160. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF APPEALS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Board of Appeals; and

WHEREAS, following a review and evaluation relative to the continued existence of the Board of Appeals, the committee voted to recommend the continued existence of the Board of Appeals; now therefore,

REGULAR SESSION  
10th Day

569

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Board of Appeals, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 160, was adopted.

Yeas 83; Nays 2.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Taylor, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, White, Williams, Wyatt and Shoemaker.

—83

Nays: Messrs.: McNair and Whatley.

—2

Also:

By Sunset Committee:

H. J. R. 161. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE MANPOWER PLANNING.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Manpower Planning; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Manpower Planning, the committee voted to recommend the continued existence of the State Manpower Planning; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Manpower Planning, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 161, was adopted.

Yeas 81; Nays 4.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Harris, Hill, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Shelton,

Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—81

*Nays:* Messrs.: Hall, Holley, Leonard and Sasser.

—4

*Also:*

By Sunset Committee:

**H. J. R. 162. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LIQUEFIED PETROLEUM GAS BOARD.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Liquefied Petroleum Gas Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Liquefied Petroleum Gas Board, the committee voted to recommend the continued existence of the Liquefied Petroleum Gas Board; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Liquefied Petroleum Gas Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 162, was adopted.

Yeas 80; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Killian, Kinsey, Lee, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—80

*Also:*

By Sunset Committee:

**H. J. R. 163. PROVIDING FOR THE TERMINATION OF THE JUVENILE CORRECTIONAL STUDY COMMITTEE.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Juvenile Correctional Study Committee; and

WHEREAS, following a review and evaluation relative to the continued existence of the Juvenile Correctional Study Committee, the committee voted to recommend termination of the Juvenile Correctional Study Committee; now therefore.



REGULAR SESSION  
10th Day

571

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Juvenile Correctional Study Committee, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

And the resolution, H. J. R. 163, was adopted.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Drake, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Harrison, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Wyatt and Shoemaker.

—83

Also:

By Sunset Committee:

H. J. R. 164. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE FINANCE DEPARTMENT.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Finance Department; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Finance Department, the committee voted to recommend the continued existence of the State Finance Department; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Finance Department, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 164, was adopted.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—88

Also:

By Sunset Committee:

H. J. R. 165. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA BUILDING CORPORATION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Building Corporation; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Building Corporation, the committee voted to recommend the continued existence of the Alabama Building Corporation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Building Corporation, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 165, was adopted.

Yeas 31; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams, Wyatt and Shoemaker.

—81

Also:

By Sunset Committee:

H. J. R. 166. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CORPORATION FOR THE BORROWING FOR SCHOOLS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Corporation for the Borrowing for Schools; and

WHEREAS, following a review and evaluation relative to the continued existence of the Corporation for the Borrowing for Schools, the committee voted to recommend the continued existence of the Corporation for the Borrowing for Schools; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Corporation for the Borrowing for Schools, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

**REGULAR SESSION**  
**10th Day**

573

And the resolution, H. J. R. 166, was adopted.

Yeas 72; Nays 3.

*Yeas:*

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Hill, Hines, Holmes (A), Holmes (D), Hopping, Howard, Johnson, Johnstone, Kelley, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Martin, Mitchem, Moore (W), Naramore, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Trammell, Turnham, Venable, Waggoner, Weeks, White, Williams, Wyatt and Shoemaker.

—72

*Nays:* Messrs.: Holley, McNair and Riddick.

—3

*Also:*

By Sunset Committee:

H. J. R. 167. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA STATE HOSPITALS AND PARTLOW STATE SCHOOL BOND COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama State Hospitals and Partlow State School Bond Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama State Hospitals and Partlow State School Bond Commission, the committee voted to recommend the continued existence of the Alabama State Hospitals and Partlow State School Bond Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama State Hospitals and Partlow State School Bond Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 167, was adopted.

Yeas 84; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Martin, Mitchem, Moore (O), Moore (W), Naramore, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams, Wyatt and Shoemaker.

—84

Also:

By Sunset Committee:

H. J. R. 168. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA EDUCATION AUTHORITY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Education Authority; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Education Authority, the committee voted to recommend the continued existence of the Alabama Education Authority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Education Authority, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 168, was adopted.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNeese, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White, Wyatt and Shoemaker.

—86

Also:

By Sunset Committee:

H. J. R. 169. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA AGRICULTURAL CENTER CORPORATION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Agricultural Center Corporation; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Agricultural Center Corporation, the committee voted to recommend the continued existence of the Alabama Agricultural Center Corporation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Agricultural

REGULAR SESSION  
10th Day

575

Center Corporation, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 169, was adopted.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Martin, Mitchem, Moore (O), Moore (W), Naramore, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams, Wyatt and Shoemaker.

—85

Also:

By Sunset Committee:

H. J. R. 170. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA BUILDING FINANCE AUTHORITY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Building Finance Authority; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Building Finance Authority, the committee voted to recommend the continued existence of the Alabama Building Finance Authority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Building Finance Authority, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 170, was adopted.

Yeas 82; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harrison, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams, Wyatt and Shoemaker.

—82

Nay: Mr. McNair.

—1

Also:

By Sunset Committee:

H. J. R. 171. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA PUBLIC SCHOOL AND COLLEGE AUTHORITY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Public School and College Authority; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Public School and College Authority, the committee voted to recommend the continued existence of the Alabama Public School and College Authority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Public School and College Authority, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 171, was adopted.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams, Wyatt and Shoemaker.

—81

Also:

By Sunset Committee:

H. J. R. 172. PROVIDING FOR THE CONTINUED EXISTENCE OF THE OFFICE OF SPACE MANAGEMENT.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Office of Space Management; now therefore,

WHEREAS, following a review and evaluation relative to the continued existence of the Office of Space Management, the committee voted to recommend the continued existence of the Office of Space Management; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Office of Space Management, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

**REGULAR SESSION**  
**10th Day**

577

And the resolution, H. J. R. 172, was adopted.

Yeas 83; Nays 2.

**Yeas:**

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Drake, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams, Wyatt and Shoemaker .

—83

**Nays:** Messrs.: Crowe and Holley.

—2

**Also:**

By Sunset Committee:

H. J. R. 173. PROVIDING FOR THE TERMINATION OF THE COMMISSION TO PRESERVE THE PEACE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Commission to Preserve the Peace; and

WHEREAS, following a review and evaluation relative to the continued existence of the Commission to Preserve the Peace, the committee voted to recommend termination of the Commission to Preserve the Peace; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Commission to Preserve the Peace, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

And the resolution, H. J. R. 173, was adopted.

Yeas 87; Nays 0.

**Yeas:**

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Martin, Mitchem, Moore (O), Moore (W), Naramore, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams, Wyatt and Shoemaker.

—87

Also:

By Sunset Committee:

**H. J. R. 174. PROVIDING FOR THE TERMINATION OF THE SOVEREIGNTY COMMISSION.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Sovereignty Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Sovereignty Commission, the committee voted to recommend termination of the Sovereignty Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Sovereignty Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

And the resolution, H. J. R. 174, was adopted.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Martin, Mitchem, Moore (W), Naramore, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams, Wyatt and Shoemaker.

—86

Also:

By Sunset Committee:

**H. J. R. 175. PROVIDING FOR THE CONTINUED EXISTENCE OF THE FISHING REEF SHIP COMMISSION.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Fishing Reef Ship Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Fishing Reef Ship Commission, the committee voted to recommend the continued existence of the Fishing Reef Ship Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Fishing Reef Ship Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.



REGULAR SESSION  
10th Day

579

And the resolution, H. J. R. 175, was adopted.

Yeas 80; Nays 1.

**Yeas:**

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Hall, Harris, Harrison, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Johnson, Johnstone, Kelley, Kennedy, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams, Wyatt and Shoemaker.

—80

**Nay:** Mr. McNair.

—1

**Also:**

By Sunset Committee:

H. J. R. 176. PROVIDING FOR THE CONTINUED EXISTENCE OF THE EMPLOYEES INSURANCE BOARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Employees Insurance Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Employees Insurance Board, the committee voted to recommend the continued existence of the Employees Insurance Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Employees Insurance Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 176, was adopted.

Yeas 85; Nays 0.

**Yeas:**

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams, Wyatt and Shoemaker.

—85

Also:

By Sunset Committee:

H. J. R. 177. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE BOARD OF EXAMINERS OF SPEECH PATHOLOGY AND AUDIOLOGY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Board of Examiners of Speech Pathology and Audiology; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Board of Examiners of Speech Pathology and Audiology, the committee voted to recommend the continued existence of the State Board of Examiners of Speech Pathology and Audiology; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Board of Examiners of Speech Pathology and Audiology, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 177, was adopted.

Yeas 86; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, White, Williams, Wyatt and Shoemaker.

—86

Nay: Mr. McNair.

—1

Also:

By Sunset Committee:

H. J. R. 178. PROVIDING FOR THE CONTINUED EXISTENCE OF THE AIR POLLUTION CONTROL COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Air Pollution Control Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Air Pollution Control Commission, the committee voted to recommend the continued existence of the Air Pollution Control Commission; now therefore,

**REGULAR SESSION**  
**10th Day**

581

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Air Pollution Control Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 178, was adopted.

Yeas 84; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McMillan, McNair, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Weeks, White, Williams, Wyatt and Shoemaker.

—84

Also:

By Sunset Committee:

H. J. R. 179. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEPARTMENT OF AGRICULTURE AND INDUSTRIES.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Department of Agriculture and Industries; and

WHEREAS, following a review and evaluation relative to the continued existence of the Department of Agriculture and Industries, the committee voted to recommend the continued existence of the Department of Agriculture and Industries; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Department of Agriculture and Industries, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 179, was adopted.

Yeas 78; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Hines, Holmes (A), Holmes (D), Hopping, Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lutz, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, White, Williams, Wyatt and Shoemaker.

—78

Also:

By Sunset Committee:

H. J. R. 180. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA STEER ASSOCIATION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Steer Association; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Steer Association, the committee voted to recommend the continued existence of the Alabama Steer Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Steer Association, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 180, was adopted.

Yeas 88; Nays 2.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams, Wyatt and Shoemaker.

—88

Nays: Messrs.: McNair and Tucker.

—2

Also:

By Sunset Committee:

H. J. R. 181. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE BOARD OF VETERINARY MEDICAL EXAMINERS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Board of Veterinary Medical Examiners; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Board of Veterinary Medical Examiners, the committee voted to recommend the continued existence of the State Board of Veterinary Medical Examiners; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Board of Veterinary

Medical Examiners, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 181, was adopted.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Venable, Waggoner, Warren, White, Williams, Wyatt and Shoemaker.

—90

Also:

By Sunset Committee:

H. J. R. 182. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ENTOMOLOGISTS, HORTICULTURISTS, FLORICULTURISTS, AND TREE SURGEONS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Entomologists, Horticulturists, Floriculturists, and Tree Surgeons; and

WHEREAS, following a review and evaluation relative to the continued existence of the Entomologists, Horticulturists, Floriculturists, and Tree Surgeons, the committee voted to recommend the continued existence of the Entomologists, Horticulturists, Floriculturists, and Tree Surgeons; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Entomologists, Horticulturists, Floriculturists, and Tree Surgeons, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 182, was adopted.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Porter,

Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, White, Williams, Wyatt and Shoemaker.

—87

Also:

By Sunset Committee:

H. J. R. 183. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF PLUMBING EXAMINERS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Board of Plumbing Examiners; and

WHEREAS, following a review and evaluation relative to the continued existence of the Board of Plumbing Examiners, the committee voted to recommend the continued existence of the Board of Plumbing Examiners; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Board of Plumbing Examiners, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 183, was adopted.

Yeas 84; Nays 2.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harrison, Hill, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Kelley, Kennedy, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, White, Williams, Wyatt and Shoemaker.

—84

Nays: Messrs.: Holley and Killian.

—2

Also:

By Sunset Committee:

H. J. R. 184. PROVIDING FOR THE CONTINUED EXISTENCE OF THE OFFICE OF PROSECUTION SERVICES.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Office of Prosecution Services; and

**REGULAR SESSION**  
**10th Day**

585

WHEREAS, following a review and evaluation relative to the continued existence of the Office of Prosecution Services, the committee voted to recommend the continued existence of the Office of Prosecution Services; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Office of Prosecution Services, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 184, was adopted.

Yeas 80; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Weeks, White, Williams, Wyatt and Shoemaker.

—80

*Also:*

By Sunset Committee:

H. J. R. 185. PROVIDING FOR THE CONTINUED EXISTENCE OF THE AGRICULTURE CENTER BOARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Agricultural Center Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Agricultural Center Board, the committee voted to recommend the continued existence of the Agricultural Center Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Agricultural Center Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 185, was adopted.

Yeas 83; Nays 1.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Hill, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem,

Moore (O), Moore (W), Naramore, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, White, Williams, Wyatt and Shoemaker.

—83

Nay: Mr. Holley.

—1

Also:

By Sunset Committee:

H. J. R. 186. PROVIDING FOR THE CONTINUED EXISTENCE OF THE AMERAPORT DEEP-DRAFT HARBOR AND TERMINAL COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Ameraport Deep-Draft Harbor and Terminal Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Ameraport Deep-Draft Harbor and Terminal Commission, the committee voted to recommend the continued existence of the Ameraport Deep-Draft Harbor and Terminal Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Ameraport Deep-Draft Harbor and Terminal Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 186, was adopted.

Yeas 82; Nays 4.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Hill, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, White, Wyatt and Shoemaker.

—82

Nays: Messrs.: Crawford, Holmes (A), Leonard and Williams.

—4

Also:

By Sunset Committee:

H. J. R. 187. PROVIDING FOR THE CONTINUED EXISTENCE OF THE EDUCATIONAL TELEVISION COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein en-



**REGULAR SESSION**  
**10th Day**

587

tered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Educational Television Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Educational Television Commission, the committee voted to recommend the continued existence of the Educational Television Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Educational Television Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 187, was adopted.

Yeas 84; Nays 2.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Warren, Weeks, White, Williams, Wyatt and Shoemaker.

—84

Nays: Messrs.: Harrison and Tucker.

—2

Also:

By Sunset Committee:

H. J. R. 188. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ELK RIVER DEVELOPMENT AGENCY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Elk River Development Agency; and

WHEREAS, following a review and evaluation relative to the continued existence of the Elk River Development Agency, the committee voted to recommend the continued existence of the Elk River Development Agency; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Elk River Development Agency, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 188, was adopted.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark,

Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Hill, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, White, Williams, Wyatt and Shoemaker.

—82

Also:

By Sunset Committee:

H. J. R. 189. PROVIDING FOR THE TERMINATION OF THE ADVISORY COMMITTEE FOR INDIGENT MEDICAL CARE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Advisory Committee for Indigent Medical Care; and

WHEREAS, following a review and evaluation relative to the continued existence of the Advisory Committee for Indigent Medical Care, the committee voted on November 9, 1976 to recommend termination of the Advisory Committee for Indigent Medical Care; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Advisory Committee for Indigent Medical Care, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

And the resolution, H. J. R. 189, was adopted.

Yeas 81; Nays 1.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeese, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Warren, Weeks, White, Williams, Wyatt and Shoemaker.

—81

Nay: Mr. Andrews.

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Also:

By Sunset Committee:

H. J. R. 190. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE COMMISSION ON PHYSICAL FITNESS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public

and all interested parties relating to the continued existence of the State Commission on Physical Fitness; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Commission on Physical Fitness, the committee voted to recommend the continued existence of the State Commission on Physical Fitness; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Commission on Physical Fitness, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 190, was adopted.

Yeas 79; Nays 2.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Reed, Rich, Riddick, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, White, Williams, Wyatt and Shoemaker.

—79

Nays: Messrs.: Andrews and Smith (M).

—2

Also:

By Sunset Committee:

H. J. R. 191. PROVIDING FOR THE CONTINUED EXISTENCE OF THE GOVERNOR'S COMMITTEE ON STATE REORGANIZATION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Governor's Committee on State Reorganization; and

WHEREAS, following a review and evaluation relative to the continued existence of the Governor's Committee on State Reorganization, the committee voted to recommend the continued existence of the Governor's Committee on State Reorganization; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Governor's Committee on State Reorganization, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 191, was adopted.

Yeas 83; Nays 1.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford,

Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—83

*Nay:* Mr. Andrews.

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*Also:*

By Sunset Committee:

H. J. R. 192. PROVIDING FOR THE CONTINUED EXISTENCE OF THE TALLACOOSA HIGHLAND LAKE ASSOCIATION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Tallacoosa Highland Lake Association; and

WHEREAS, following a review and evaluation relative to the continued existence of the Tallacoosa Highland Lake Association, the committee voted to recommend the continued existence of the Tallacoosa Highland Lake Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Tallacoosa Highland Lake Association, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 192, was adopted.

Yeas 76; Nays 3.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Dial, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Warren, Weeks, White, Williams, Wyatt and Shoemaker.

—76

*Nays:* Messrs.: Andrews, Moore (O) and Whatley.

—3

*Also:*

By Sunset Committee:

H. J. R. 193. PROVIDING FOR THE CONTINUED EXISTENCE OF THE TENNESSEE-TOMBIGBEE WATER DEVELOPMENT AUTHORITY.

**REGULAR SESSION**  
**10th Day**

591

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Tennessee-Tombigbee Water Development Authority; and

WHEREAS, following a review and evaluation relative to the continued existence of the Tennessee-Tombigbee Water Development Authority, the committee voted to recommend the continued existence of the Tennessee-Tombigbee Water Development Authority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Tennessee-Tombigbee Water Development Authority, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 193, was adopted.

Yeas 83; Nays 3.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—83

Nays: Messrs.: Andrews, Hall and Leonard.

—3

Also:

By Sunset Committee:

H. J. R. 194. PROVIDING FOR THE CONTINUED EXISTENCE OF THE TRI-RIVERS WATERWAY DEVELOPMENT AUTHORITY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Tri-Rivers Waterway Development Authority; and

WHEREAS, following a review and evaluation relative to the continued existence of the Tri-Rivers Waterway Development Authority, the committee voted to recommend the continued existence of the Tri-Rivers Waterway Development Authority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Tri-Rivers Waterway Development Authority, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 194, was adopted.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Johnstone, Kelley, Kennedy, Killian, Lee, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—79

Also:

By Sunset Committee:

H. J. R. 195. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CHOCCOLOCCO WATERSHED ASSOCIATION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Choccolocco Watershed Association; and

WHEREAS, following a review and evaluation relative to the continued existence of the Choccolocco Watershed Association, the committee voted to recommend the continued existence of the Choccolocco Watershed Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Choccolocco Watershed Association, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 195, was adopted.

Yeas 82; Nays 3.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—82

Nays: Messrs.: Andrews, Taylor and Tucker.

—3

Also:

By Sunset Committee:

H. J. R. 196. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CROOKED CREEK WATERSHED.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Crooked Creek Watershed; and

WHEREAS, following a review and evaluation relative to the continued existence of the Crooked Creek Watershed, the committee voted to recommend the continued existence of the Crooked Creek Watershed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Crooked Creek Watershed, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 196, was adopted.

Yeas 84; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, White Williams, Wyatt and Shoemaker.

—84

Nay: Mr. Taylor.

—1

Also:

By Sunset Committee:

H. J. R. 197. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE SOIL AND WATER CONSERVATION COMMITTEE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Soil and Water Conservation Committee; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Soil and Water Conservation Committee, the committee voted to recommend the continued existence of the State Soil and Water Conservation Committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Soil and Water

Conservation Committee, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 197, was adopted.

Yeas 85; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnstone, Kelley, Kennedy, Killian, Lee, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams, Wyatt and Shoemaker.

—85

*Also:*

By Sunset Committee:

H. J. R. 198. PROVIDING FOR THE TERMINATION OF THE TENNESSEE-MULBERRY WATERWAY COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Tennessee-Mulberry Waterway Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Tennessee-Mulberry Waterway Commission, the committee voted on November 9, 1976 to recommend termination of the Tennessee-Mulberry Waterway Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA. BOTH HOUSES THEREOF CONCURRING, That the Tennessee-Mulberry Waterway Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

And the resolution, H. J. R. 198, was adopted.

Yeas 83; Nays 2.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Kinsey, Lee, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams, Wyatt and Shoemaker.

—83

*Nays:* Messrs.: Hilliard and Killian.

—2



Also:

By Sunset Committee:

**H. J. R. 199. PROVIDING FOR THE CONTINUED EXISTENCE OF THE SPACE SCIENCE EXHIBIT COMMITTEE.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Space Science Exhibit Committee; and

WHEREAS, following a review and evaluation relative to the continued existence of the Space Science Exhibit Committee, the committee voted to recommend the continued existence of the Space Science Exhibit Committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Space Science Exhibit Committee, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 199, was adopted.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnstone, Kelley, Kennedy, Killian, Lee, Lewis, Lutz, McCluskey, McCulley, McMillan, McNeas, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Whatley, White, Williams, Wyatt and Shoemaker.

—81

Also:

By Sunset Committee:

**H. J. R. 200. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BEAR CREEK DEVELOPMENT AUTHORITY.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Bear Creek Development Authority; and

WHEREAS, following a review and evaluation relative to the continued existence of the Bear Creek Development Authority, the committee voted to recommend the continued existence of the Bear Creek Development Authority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Bear Creek Development Authority, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 200, was adopted.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams, Wyatt and Shoemaker.

—79

Also:

By Sunset Committee:

H. J. R. 201. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ADVISORY COUNCIL AN ALCOHOLISM & DRUG ABUSE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Advisory Council on Alcoholism & Drug Abuse; and

WHEREAS, following a review and evaluation relative to the continued existence of the Advisory Council on Alcoholism & Drug Abuse, the committee voted to recommend the continued existence of the Advisory Council on Alcoholism & Drug Abuse; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Advisory Council on Alcoholism & Drug Abuse, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 201, was adopted.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Whatley, White, Williams, Wyatt and Shoemaker.

—83

Also:

By Sunset Committee:

H. J. R. 202. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CONSUMER PROTECTION AGENCY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Consumer Protection Agency; and

WHEREAS, following a review and evaluation relative to the continued existence of the Consumer Protection Agency, the committee voted to recommend the continued existence of the Consumer Protection Agency; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Consumer Protection Agency, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R 202, was adopted.

Yeas 83; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams, Wyatt and Shoemaker.

—83

Nay: Mr. Riddick

—1

Also:

By Sunset Committee:

H. J. R. 203. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA PEACE OFFICER'S ANNUITY & BENEFIT FUND.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Peace Officer's Annuity & Benefit Fund; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Peace Officer's Annuity & Benefit Fund, the committee voted to recommend the continued existence of the Alabama Peace Officer's Annuity & Benefit Fund; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Peace Officer's Annuity & Benefit Fund, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 203, was adopted.

Yeas 84; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark Coburn, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams, Wyatt and Shoemaker.

—84

*Also:*

By Sunset Committee:

H. J. R. 204. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BUREAU OF PUBLICITY AND INFORMATION (DEPARTMENT AND BOARD).

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Bureau of Publicity and Information (Department and Board); and

WHEREAS, following a review and evaluation relative to the continued existence of the Bureau of Publicity and Information (Department and Board), the committee voted to recommend the continued existence of the Bureau of Publicity and Information (Department and Board); now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Bureau of Publicity and Information (Department and Board), pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 204, was adopted.

Yeas 82; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carter, Clark, Coburn, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Whatley, White, Williams, Wyatt and Shoemaker.

—82

Also:

By Sunset Committee:

H. J. R. 205. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA STATE UNIVERSITY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama State University; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama State University, the committee voted to recommend the continued existence of the Alabama State University; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama State University, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 205, was adopted.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—86

Also:

By Sunset Committee:

H. J. R. 206. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA A & M UNIVERSITY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama A & M University; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama A & M University, the committee voted to recommend the continued existence of the Alabama A & M University; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama A & M University, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 206, was adopted.

Yeas 88; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—88

*Also:*

By Sunset Committee:

H. J. R. 207. PROVIDING FOR THE CONTINUED EXISTENCE OF THE COSMETOLOGY BOARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Cosmetology Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Cosmetology Board, the committee voted to recommend the continued existence of the Cosmetology Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Cosmetology Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 207, was adopted.

Yeas 82; Nays 1.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Johnson, Johnstone, Kelley, Kennedy, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Weeks, White, Williams, Wyatt and Shoemaker.

—82

*Nay:* Mr. Whatley.

—1

REGULAR SESSION  
10th Day

601

Also:

By Sunset Committee:

H. J. R. 208. PROVIDING FOR THE CONTINUED EXISTENCE OF THE JUNIOR COLLEGE BRANCH OF DEPARTMENT OF EDUCATION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Junior College Branch of Department of Education; and

WHEREAS, following a review and evaluation relative to the continued existence of the Junior College Branch of Department of Education, the committee voted to recommend the continued existence of the Junior College Branch of Department of Education; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Junior College Branch of Department of Education, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 208, was adopted.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Gregg, Hall, Harrison, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—83

Also:

By Sunset Committee:

H. J. R. 209. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALEXANDER CITY STATE JUNIOR COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alexander City State Junior College; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alexander City State Junior College, the committee voted to recommend the continued existence of the Alexander City State Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alexander City State

Junior College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 209, was adopted.

Yeas 84; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Gregg, Hall, Harrison, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—84

Nay: Mr. Johnson.

—1

Also:

By Sunset Committee:

H. J. R. 210. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BISHOP STATE JUNIOR COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Bishop State Junior College; and

WHEREAS, following a review and evaluation relative to the continued existence of the Bishop State Junior College, the committee voted to recommend the continued existence of the Bishop State Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Bishop State Junior College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 210, was adopted.

Yeas 82; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Gregg, Hall, Harrison, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—82



Also:

By Sunset Committee:

**H. J. R. 211. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BREWER STATE JUNIOR COLLEGE.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Brewer State Junior College; and

WHEREAS, following a review and evaluation relative to the continued existence of the Brewer State Junior College, the committee voted to recommend the continued existence of the Brewer State Junior College; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Brewer State Junior College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 211, was adopted.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Gregg, Hall, Harrison, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeese, Martin, Merrill, Mitchem, Moore (O), Moore (W), Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—86

Also:

By Sunset Committee:

**H. J. R. 212. PROVIDING FOR THE CONTINUED EXISTENCE OF THE JOHN C. CALHOUN STATE COMMUNITY COLLEGE.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the John C. Calhoun State Community College; and

WHEREAS, following a review and evaluation relative to the continued existence of the John C. Calhoun State Community College, the committee voted to recommend the continued existence of the John C. Calhoun State Community College; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the John C. Calhoun State Community College, pursuant to the terms of the "Alabama Sunset

Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 212, was adopted.

Yeas 82; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Gregg, Hall, Harrison, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—82

*Also:*

By Sunset Committee:

H. J. R. 213. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CHATTAHOOCHEE VALLEY COMMUNITY COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Chattahoochee Valley Community College; and

WHEREAS, following a review and evaluation relative to the continued existence of the Chattahoochee Valley Community College, the committee voted to recommend the continued existence of the Chattahoochee Valley Community College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Chattahoochee Valley Community College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 213, was adopted.

Yeas 72; Nays 0.

*Yeas:*

Messrs.: Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carter, Cates, Clark, Coburn, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Gregg, Hall, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lutz, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Wyatt and Shoemaker.

—72

Also:

By Mr. Johnstone:

**H. R. 331. HONORING THE ORDER OF TAXIS**

WHEREAS, The Order of Taxis has become the best-loved semi-mystic parading society in Mobile; and

WHEREAS, this august order is affectionately anagrammed TOOTS; and

WHEREAS, TOOTS was founded in the year 1965 by the distinguished E. Bailey Slaton; and

WHEREAS, TOOTS has, from its inception, paraded the streets of Mobile in taxis and immeasurably brightened and enriched Mardi Gras day annually; and

WHEREAS, TOOTS has significantly increased the tourism and thereby bolstered the economy in the State of Alabama; and

WHEREAS, TOOTS has attracted favorable national recognition in Town and Country Magazine:

NOW THEREFORE BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That it commends the intrepid, civic-minded, fun-loving, taxi-riding, horn-blowing, confetti-throwing, candy-casting, and noble membership and the far-sighted founder E. Bailey Slaton of TOOTS.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 331, on the Clerk's desk for one legislative day.

Also:

By Sunset Committee:

**H. J. R. 214. PROVIDING FOR THE CONTINUED EXISTENCE OF THE JEFFERSON DAVIS STATE JUNIOR COLLEGE.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Jefferson Davis State Junior College; and

WHEREAS, following a review and evaluation relative to the continued existence of the Jefferson Davis State Junior College, the committee voted to recommend the continued existence of the Jefferson Davis State Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Jefferson Davis State Junior College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 214, was adopted.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Clark, Coburn,

Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Harrison, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kiinsey, Lee, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Moore (O), Moore (W), Naramore, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—84

Also:

By Sunset Committee:

**H. J. R. 215. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ENTERPRISE STATE JUNIOR COLLEGE.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Enterprise State Junior College; and

WHEREAS, following a review and evaluation relative to the continued existence of the Enterprise State Junior College, the committee voted to recommend the continued existence of the Enterprise State Junior College; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Enterprise State Junior College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 215, was adopted.

**Yeas 88; Nays 0.**

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Hall, Harris, Harrison, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smoth (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—88

Also:

By Sunset Committee:

**H. J. R. 216. PROVIDING FOR THE CONTINUED EXISTENCE OF THE JAMES H. FAULKNER STATE JUNIOR COLLEGE.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the James H. Faulkner State Junior College; and

REGULAR SESSION  
10th Day

607

WHEREAS, following a review and evaluation relative to the continued existence of the James H. Faulkner State Junior College, the committee voted to recommend the continued existence of the James H. Faulkner State Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the James H. Faulkner State Junior College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 216, was adopted.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Clark, Coburn, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Hall, Harris, Harrison, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeas, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—85

Also:

By Sunset Committee:

H. J. R. 217. PROVIDING FOR THE CONTINUED EXISTENCE OF THE GADSDEN STATE JUNIOR COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Gadsden State Junior College; and

WHEREAS, following a review and evaluation relative to the continued existence of the Gadsden State Junior College, the committee voted to recommend the continued existence of the Gadsden State Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Gadsden State Junior College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 217, was adopted.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Hall, Harris, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Howard, Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeas,

Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—80

Also:

By Sunset Committee:

**H. J. R. 218. PROVIDING FOR THE CONTINUED EXISTENCE OF THE PATRICK HENRY STATE JUNIOR COLLEGE.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Patrick Henry State Junior College; and

WHEREAS, following a review and evaluation relative to the continued existence of the Patrick Henry State Junior College, the committee voted to recommend the continued existence of the Patrick Henry State Junior College; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Patrick Henry State Junior College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 218, was adopted.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeas, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams, Wyatt and Shoemaker.

—81

Also:

By Sunset Committee:

**H. J. R. 219. PROVIDING FOR THE CONTINUED EXISTENCE OF THE JEFFERSON STATE JUNIOR COLLEGE.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Jefferson State Junior College; and

WHEREAS, following a review and evaluation relative to the continued existence of the Jefferson State Junior College, the committee voted to recommend the continued existence of the Jefferson State Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Jefferson State Junior College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 219, was adopted.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carter, Cates, Clark, Coburn, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Hall, Harris, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams, Wyatt and Shoemaker.

—82

Also:

By Sunset Committee:

H. J. R. 220. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LAWSON STATE COMMUNITY COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Lawson State Community College; and

WHEREAS, following a review and evaluation relative to the continued existence of the Lawson State Community College, the committee voted to recommend the continued existence of the Lawson State Community College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Lawson State Community College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 220, was adopted.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Harrison, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Porter, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—88

Also:

By Sunset Committee:

**H. J. R. 221. PROVIDING FOR THE CONTINUED EXISTENCE OF THE NORTHEAST ALABAMA STATE JUNIOR COLLEGE.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Northeast Alabama State Junior College; and

WHEREAS, following a review and evaluation relative to the continued existence of the Northeast Alabama State Junior College, the committee voted to recommend the continued existence of the Northeast Alabama State Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Northeast Alabama State Junior College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 221, was adopted.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Harrison, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—88

Also:

By Sunset Committee:

**H. J. R. 222. PROVIDING FOR THE CONTINUED EXISTENCE OF THE NORTHWEST ALABAMA STATE JUNIOR COLLEGE.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Northwest Alabama State Junior College; and

WHEREAS, following a review and evaluation relative to the continued existence of the Northwest Alabama State Junior College, the committee voted to recommend the continued existence of the Northwest Alabama State Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Northwest Alabama State Junior College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.



REGULAR SESSION  
10th Day

611

And the resolution, H. J. R. 222, was adopted.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Gregg, Harris, Harrison, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—85

Also:

By Sunset Committee:

H. J. R. 223. PROVIDING FOR THE CONTINUED EXISTENCE OF SNEAD STATE JUNIOR COLLEGE

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Snead State Junior College; and

WHEREAS, following a review and evaluation relative to the continued existence of Snead State Junior College, the committee voted to recommend the continued existence of Snead State Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Snead State Junior College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 223, was adopted.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Gregg, Harris, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—79

Also:

By Sunset Committee:

H. J. R. 224. PROVIDING FOR THE CONTINUED EXISTENCE OF SOUTHERN UNION STATE JUNIOR COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Southern Union State Junior College; and

WHEREAS, following a review and evaluation relative to the continued existence of Southern Union State Junior College, the committee voted to recommend the continued existence of Southern Union State Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Southern Union State Junior College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 224, was adopted.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Gregg, Harris, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—82

Also:

By Sunset Committee:

H. J. R. 225. PROVIDING FOR THE CONTINUED EXISTENCE OF THE GEORGE C. WALLACE STATE COMMUNITY COLLEGE (DOTHAN).

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the George C. Wallace State Community College (Dothan); and

WHEREAS, following a review and evaluation relative to the continued existence of the George C. Wallace State Community College (Dothan), the committee voted to recommend the continued existence of the George C. Wallace State Community College (Dothan); now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the George C. Wallace State Community College (Dothan), pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 225, was adopted.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle,

Brindley, Buskey, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Harris, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Porter, Reed, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—82

Also:

By Sunset Committee:

H. J. R. 226. PROVIDING FOR THE CONTINUED EXISTENCE OF THE GEORGE C. WALLACE STATE COMMUNITY COLLEGE (HANCEVILLE).

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the George C. Wallace State Community College (Hanceville); and

WHEREAS, following a review and evaluation relative to the continued existence of the George C. Wallace State Community College (Hanceville), the committee voted to recommend the continued existence of the George C. Wallace State Community College (Hanceville); now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the George C. Wallace State Community College (Hanceville), pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 226, was adopted.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Harris, Harrison, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—84

Also:

By Sunset Committee:

H. J. R. 227. PROVIDING FOR THE CONTINUED EXISTENCE OF THE GEORGE C. WALLACE STATE COMMUNITY COLLEGE (SELMA).

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the George C. Wallace State Community College (Selma); and

WHEREAS, following a review and evaluation relative to the continued existence of the George C. Wallace State Community College (Selma), the committee voted to recommend the continued existence of the George C. Wallace State Community College (Selma); now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the George C. Wallace State Community College (Selma), pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 227, was adopted.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Harris, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeas, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—84

Also:

By Sunset Committee:

H. J. R. 228. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LURLEEN B. WALLACE STATE JUNIOR COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Lurleen B. Wallace State Junior College; and

WHEREAS, following a review and evaluation relative to the continued existence of the Lurleen B. Wallace State Junior College, the committee voted to recommend the continued existence of the Lurleen B. Wallace State Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Lurleen B. Wallace State Junior College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 228, was adopted.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn,

Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Pegues, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—83

Also:

By Sunset Committee:

H. J. R. 229. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA DEVELOPMENT OFFICE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Development Office; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Development Office, the committee voted to recommend the continued existence of the Alabama Development Office; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Development Office, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 229, was adopted.

Yeas 83; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Porter, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—83

Nay: Mr. Leonard.

—1

Also:

By Sunset Committee:

H. J. R. 230. PROVIDING FOR THE TERMINATION OF THE ALABAMA RIVER DEVELOPMENT AUTHORITY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public

and all interested parties relating to the continued existence of the Alabama River Development Authority; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama River Development Authority, the committee voted to recommend termination of the Alabama River Development Authority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama River Development Authority, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

And the resolution, H. J. R. 230, was adopted.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carter, Cates, Clark, Coburn, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Harris, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Porter, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—79

Also:

By Sunset Committee:

H. J. R. 231. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA DEPARTMENT OF ARCHIVES AND HISTORY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Department of Archives and History; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Department of Archives and History, the committee voted to recommend the continued existence of the Alabama Department of Archives and History; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Department of Archives and History, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 231, was adopted.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Harris, Hilliard, Hines, Holmes (A), Holmes (D),

Hopping, Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—81

Also:

By Sunset Committee:

H. J. R. 232. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF TRUSTEES, ARCHIVES AND HISTORY DEPARTMENT.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Board of Trustees, Archives and History Department; and

WHEREAS, following a review and evaluation relative to the continued existence of the Board of Trustees, Archives and History Department, the committee voted to recommend the continued existence of the Board of Trustees, Archives and History Department; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Board of Trustees, Archives and History Department, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 232, was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Harris, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Johnstone, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—77

Also:

By Sunset Committee:

H. J. R. 233. PROVIDING FOR THE CONTINUED EXISTENCE OF THE COUNTY RECORDS COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the County Records Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the County Records Commission, the committee voted to recommend the continued existence of the County Records Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the County Records Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 233, was adopted.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Porter, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—83

Also:

By Sunset Committee:

H. J. R. 234. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE RECORDS COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Records Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Records Commission, the committee voted to recommend the continued existence of the State Records Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Records Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 234, was adopted.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Harris, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Howard, Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees,



REGULAR SESSION  
10th Day

619

Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—79

Also:

By Sunset Committee:

H. J. R. 235. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA HALL OF FAME.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Hall of Fame; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Hall of Fame, the committee voted to recommend the continued existence of the Alabama Hall of Fame; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Hall of Fame, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 235, was adopted.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (W), Naramore, Pegues, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—79

Also:

By Sunset Committee:

H. J. R. 236. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA ACADEMY OF HONOR.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Academy of Honor; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Academy of Honor, the committee voted to recommend the continued existence of the Alabama Academy of Honor; now therefore,

## 10th Day

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Academy of Honor, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 236, was adopted.

Yeas 78; Nays 1.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Harris, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Locket, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Mitchem, Moore (W), Naramore, Pegues, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—78

*Nay:* Mr. Lutz.

—1

*Also:*

By Sunset Committee:

H. J. R. 237. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STONEWALL JACKSON MEMORIAL.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Stonewall Jackson Memorial; and

WHEREAS, following a review and evaluation relative to the continued existence of the Stonewall Jackson Memorial, the committee voted to recommend the continued existence of the Stonewall Jackson Memorial; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Stonewall Jackson Memorial, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution H. J. R. 237, was adopted.

Yeas 83; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Hall, Harris, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Porter, Reed, Rich, Riddick, Roberts, Robertson,

Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—83

Also:

By Sunset Committee:

H. J. R. 238. PROVIDING FOR THE CONTINUED EXISTENCE OF THE GOVERNOR'S MANSION ADVISORY BOARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Governor's Mansion Advisory Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Governor's Mansion Advisory Board, the committee voted to recommend the continued existence of the Governor's Mansion Advisory Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Governor's Mansion Advisory Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 238, was adopted.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Howard, Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeese, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—85

Also:

By Sunset Committee:

H. J. R. 239. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE CAPITOL PRESERVATION COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Capitol Preservation Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Capitol Preservation Commission, the committee voted to recommend the continued existence of the State Capitol Preservation Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Capitol Preservation Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 239, was adopted.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Porter, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—81

Also:

By Sunset Committee:

H. J. R. 240. PROVIDING FOR THE CONTINUED EXISTENCE OF THE TECHNICAL COLLEGE DIVISION (DEPARTMENT OF EDUCATION).

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Technical College Division (Department of Education); and

WHEREAS, following a review and evaluation relative to the continued existence of the Technical College Division (Department of Education), the committee voted to recommend the continued existence of the Technical College Division (Department of Education); now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Technical College Division (Department of Education), pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 240, was adopted.

Yeas 96; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNair, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Porter, Quarles, Reed, Rich,

Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—96

Also:

By Sunset Committee:

H. J. R. 241. PROVIDING FOR THE CONTINUED EXISTENCE OF ALABAMA AVIATION AND TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Alabama Aviation and Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Alabama Aviation and Technical College, the committee voted to recommend the continued existence of Alabama Aviation and Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Alabama Aviation and Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 241, was adopted.

Yeas 96; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—96

Also:

By Sunset Committee:

H. J. R. 242. PROVIDING FOR THE CONTINUED EXISTENCE OF ALABAMA TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Alabama Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Alabama Technical College, the committee voted to

recommend the continued existence of Alabama Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Alabama Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 242, was adopted.

Yeas 96; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNeas, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—96

Also:

By Sunset Committee:

H. J. R. 243. PROVIDING FOR THE CONTINUED EXISTENCE OF GADSDEN STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Gadsden State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Gadsden State Technical College, the committee voted to recommend the continued existence of Gadsden State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Gadsden State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 243, was adopted.

Yeas 96; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, Mc-

Millan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—96

Also:

By Sunset Committee:

H. J. R. 244. PROVIDING FOR THE CONTINUED EXISTENCE OF HARRY M. AYERS STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Harry M. Ayers State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Harry M. Ayers State Technical College, the committee voted to recommend the continued existence of Harry M. Ayers State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Harry M. Ayers State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 244, was adopted.

Yeas 96; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—96

Also:

By Sunset Committee:

H. J. R. 245. PROVIDING FOR THE CONTINUED EXISTENCE OF BESSEMER STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Bessemer State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Bessemer State Technical College, the committee voted to recommend the continued existence of Bessemer State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Bessemer State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 245, was adopted.

Yeas 96; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—96

Also:

By Sunset Committee:

H. J. R. 246. PROVIDING FOR THE CONTINUED EXISTENCE OF CARVER STATE TECHNICAL TRADE SCHOOL.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Carver State Technical Trade School; and

WHEREAS, following a review and evaluation relative to the continued existence of Carver State Technical Trade School, the committee voted to recommend the continued existence of Carver State Technical Trade School; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Carver State Technical Trade School, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 246, was adopted.

Yeas 96; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping,



Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—96

Also:

By Sunset Committee:

H. J. R. 247. PROVIDING FOR THE CONTINUED EXISTENCE OF SOUTHWEST STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Southwest State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Southwest State Technical College, the committee voted to recommend the continued existence of Southwest State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Southwest State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 247, was adopted.

Yeas 96; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—96

Also:

By Sunset Committee:

H. J. R. 248. PROVIDING FOR THE CONTINUED EXISTENCE OF J. F. DRAKE STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of J. F. Drake State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of J. F. Drake State Technical College, the committee voted to recommend the continued existence of J. F. Drake State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That J. F. Drake State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 248, was adopted.

Yeas 96; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—96

Also:

By Sunset Committee:

H. J. R. 249. PROVIDING FOR THE CONTINUED EXISTENCE OF RICHMOND P. HOBSON STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Richmond P. Hobson State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Richmond P. Hobson State Technical College, the committee voted to recommend the continued existence of Richmond P. Hobson State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Richmond P. Hobson State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 249, was adopted.

Yeas 96; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping,

Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—96

Also:

By Sunset Committee:

H. J. R. 250. PROVIDING FOR THE CONTINUED EXISTENCE OF J. F. INGRAM STATE TECHNICAL INSTITUTE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of J. F. Ingram State Technical Institute; and

WHEREAS, following a review and evaluation relative to the continued existence of J. F. Ingram State Technical Institute, the committee voted to recommend the continued existence of J. F. Ingram State Technical Institute; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That J. F. Ingram State Technical Institute, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 250, was adopted.

Yeas 96; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—96

Also:

By Sunset Committee:

H. J. R. 251. PROVIDING FOR THE CONTINUED EXISTENCE OF ED. E. REID STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public

and all interested parties relating to the continued existence of Ed. E. Reid State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Ed. E. Reid State Technical College, the committee voted to recommend the continued existence of Ed. E. Reid State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Ed. E. Reid State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 251, was adopted.

Yeas 96; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—96

Also:

By Sunset Committee:

H. J. R. 252. PROVIDING FOR THE CONTINUED EXISTENCE OF DOUGLAS MACARTHUR STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Douglas MacArthur State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Douglas MacArthur State Technical College, the committee voted to recommend the continued existence of Douglas MacArthur State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Douglas MacArthur State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 252, was adopted.

Yeas 96; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark,

REGULAR SESSION  
10th Day

631

Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—96

Also:

By Sunset Committee:

H. J. R. 253. PROVIDING FOR THE CONTINUED EXISTENCE OF MUSCLE SHOALS TECHNICAL INSTITUTE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Muscle Shoals Technical Institute; and

WHEREAS, following a review and evaluation relative to the continued existence of Muscle Shoals Technical Institute, the committee voted to recommend the continued existence of Muscle Shoals Technical Institute; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Muscle Shoals Technical Institute, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 253, was adopted.

Yeas 96; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—96

Also:

By Sunset Committee:

H. J. R. 254. PROVIDING FOR THE CONTINUED EXISTENCE OF NORTHWEST ALABAMA STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered

upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Northwest Alabama State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Northwest Alabama State Technical College, the committee voted to recommend the continued existence of Northwest Alabama State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Northwest Alabama State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 254, was adopted.

Yeas 96; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—96

Also:

By Sunset Committee:

H. J. R. 255. PROVIDING FOR THE CONTINUED EXISTENCE OF N. F. NUNNELLEY STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of N. F. Nunnelley State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of N. F. Nunnelley State Technical College, the committee voted to recommend the continued existence of N. F. Nunnelley State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That N. F. Nunnelley State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 255, was adopted.

Yeas 96; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark,

REGULAR SESSION  
10th Day

633

Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—96

Also:

By Sunset Committee:

H. J. R. 256. PROVIDING FOR THE CONTINUED EXISTENCE OF OPELIKA STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Opelika State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Opelika State Technical College, the committee voted to recommend the continued existence of Opelika State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Opelika State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 256, was adopted.

Yeas 96; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—96

Also:

By Sunset Committee:

H. J. R. 257. PROVIDING FOR THE CONTINUED EXISTENCE OF JOHN M. PATTERSON STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered

upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of John M. Patterson State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of John M. Patterson State Technical College, the committee voted to recommend the continued existence of John M. Patterson State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That John M. Patterson State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 257, was adopted.

Yeas 96; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—96

Also:

By Sunset Committee:

H. J. R. 258. PROVIDING FOR THE CONTINUED EXISTENCE OF COUNCILL TRENHOLM STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Councill Trenholm State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Councill Trenholm State Technical College, the committee voted to recommend the continued existence of Councill Trenholm State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Councill Trenholm State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 258, was adopted.

Yeas 96; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark,



REGULAR SESSION  
10th Day

635

Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—96

Also:

By Sunset Committee:

H. J. R. 259. PROVIDING FOR THE CONTINUED EXISTENCE OF SHELTON STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Shelton State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Shelton State Technical College, the committee voted to recommend the continued existence of Shelton State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Shelton State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 259, was adopted.

Yeas 96; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—96

JOINT SESSION

The hour of 2:00 o'clock p.m., having arrived and pursuant to the resolution, S. J. R. 266, previously adopted, the Senate and House of Representatives of the Legislature of Alabama met in Joint Session in the Hall of the House of Representatives for the purpose of hearing an address by Admiral James L. Holloway, III, United States Chief of Naval Operations.

The Joint Session was called to order by Honorable Jere Beasley, Lieutenant Governor and Presiding Officer of the Senate.

Thereupon, Admiral James L. Holloway delivered his address to the Members of the Legislature of Alabama.

The Lieutenant Governor and Presiding Officer of the Senate then announced that the purpose of the Joint Session having been accomplished, the Senate would retire to its Chamber.

The Speaker of the House then called the House to order.

#### RESOLUTIONS RESUMED

Also:

By Sunset Committee:

H. J. R. 260. PROVIDING FOR THE CONTINUED EXISTENCE OF TUSCALOOSA STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Tuscaloosa State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Tuscaloosa State Technical College, the committee voted to recommend the continued existence of Tuscaloosa State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Tuscaloosa State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 260, was adopted.

Yeas 96; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—96

Also:

By Sunset Committee:

H. J. R. 261. PROVIDING FOR THE CONTINUED EXISTENCE OF ATMORE STATE TECHNICAL INSTITUTE.

REGULAR SESSION  
10th Day

637

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Atmore State Technical Institute; and

WHEREAS, following a review and evaluation relative to the continued existence of Atmore State Technical Institute, the committee voted to recommend the continued existence of Atmore State Technical Institute; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Atmore State Technical Institute, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 261, was adopted.

Yeas 96; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—96

Also:

By Sunset Committee:

H. J. R. 262. PROVIDING FOR THE CONTINUED EXISTENCE OF CHAUNCEY SPARKS STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Chauncey Sparks State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Chauncey Sparks State Technical College, the committee voted to recommend the continued existence of Chauncey Sparks State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Chauncey Sparks State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 262, was adopted.

Yeas 96; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark,

Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—96

Also:

By Sunset Committee:

H. J. R. 263. PROVIDING FOR THE CONTINUED EXISTENCE OF WALKER STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Walker State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Walker State Technical College, the committee voted to recommend the continued existence of Walker State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Walker State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 263, was adopted.

Yeas 96; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Shoemaker.

—96

Also:

By Messrs. Sandusky, McMillan and Sonnier:

H. J. R. 332. URGING CONGRESS TO ADOPT A NATIONAL UNIFORM AND COMPREHENSIVE GOVERNMENT LIABILITY AND COMPENSATION FUND FOR DAMAGES AND CLEANUP COSTS CAUSED BY OIL POLLUTION.

REGULAR SESSION  
10th Day

639

WHEREAS, the members of the Alabama Legislature are concerned about the potential economic and environmental consequences of oil spills on the ecology of this state; and

WHEREAS, the damages and cleanup costs resulting from such oil spills are matters of major state and national concern; and

WHEREAS, the transportation, production and handling of oil is not confined to state boundaries but is part of both national and international commerce; and

WHEREAS, the existing patchwork liability and compensation system is not satisfactory; and

WHEREAS, it is in the best interest of the State of Alabama and the United States to enact a federal law governing oil pollution liability and compensation, and to provide adequate funds and an expeditious procedure to compensate those injured by an oil discharge; and

WHEREAS, H. R. 776, currently pending before the United States Congress, will accomplish these objectives; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the members of the Alabama Legislature hereby urge the United States Congress to enact, without delay, H. R. 776 so that a national uniform and comprehensive government liability and compensation fund for damages and cleanup costs caused by oil pollution may be established.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the President of the United States, and to each member of the Alabama Congressional Delegation in Washington, D. C.

The resolution, H. J. R. 332, was read and referred to the Standing Committee on Rules.

Also:

By Mr. White:

H. J. R. 333. MEMORIALIZING THE PRESIDENT OF THE UNITED STATES TO DEVOTE HIS FULL TIME TO THE OFFICE OF THE PRESIDENCY.

WHEREAS, the office of the Presidency is awesome in its power and scope; and

WHEREAS, the President is needed on a twenty-four hour basis to deal with the complex problems of this great nation; and

WHEREAS, it is beneath the dignity of the office of the Presidency for the President to engage in lobbying activities in connection with state legislation; and

WHEREAS, if the President permits himself to become involved in lobbying activities before the fifty state legislatures, our national leadership will suffer; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the President is urged to devote his full time to the duties of the Presidency and to refrain from lobbying for or against legislation in the various state legislatures.

## MOTION TO SUSPEND RULES AND ADOPT

Mr. White offered the motion to suspend the rules and adopt the resolution, H. J. R. 333.

## DIVISION OF THE QUESTION

Mr. Johnson called for the Division of the Question, and the call was sustained.

## CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 9:45 A.M. On March 3, 1977

H. 10  
H. 114  
H. 137  
H. 212  
H. 393  
H. 507  
H. 513  
H. 382  
H. 526  
H. 527  
H. 528  
H. 529  
H. 530  
H. 532  
H. J. R. 55  
H. J. R. 67  
H. J. R. 68  
H. J. R. 69  
H. J. R. 85  
H. J. R. 91  
H. J. R. 92  
H. J. R. 97  
H. J. R. 98  
H. J. R. 99  
H. J. R. 100  
H. J. R. 103  
H. J. R. 104

JOHN W. PEMBERTON,  
Clerk.

## ADJOURNMENT

On motion of Mr. Manley and pursuant to the resolution, H. R. 327 heretofore adopted, the House adjourned until 10:45 o'clock a.m., Tuesday, March 8, 1977.

REGULAR SESSION  
10th Day

641

Yeas 49; Nays 31.

*Yeas:*

Mr. Speaker, Armstrong, Baker, Barron, Brindley, Buskey, Callahan, Carter, Cates, Clark, Coburn, Crawford, Cross, Drake, Falkenburg, Folmar, Ford, Gafford, Goodwin, Harris, Harrison, Hilliard, Holmes (A), Hopping, Jackson (R), Johnson, Kelley, Kennedy, Lee, Lewis, Lockett, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Porter, Quarles, Rich, Robertson, Sasser, Smith (M), Sparks, Starkey, Tucker, Weeks, White and Williams.

—49

*Nays:*

Messrs.: Andrews, Biddle, Campbell, Carothers, Dial, Greer, Hall, Hill, Hines, Holley, Holmes (D), Howard, Johnstone, Leonard, McMillan, McNair, McNees, Naramore, Pegues, Riddick, Roberts, Shelton, Smith (B), Smith (C), Smith (J), Taylor, Turnham, Venable, Waggoner, Wyatt and Shoemaker.

—31

ELEVENTH DAY

House of Representatives  
Montgomery, Alabama  
Tuesday, March 8, 1977

The House met pursuant to adjournment.

OATH OF OFFICE

The oath of office was administered to Hon. Dal. C. Younce of Mobile County by Judge P. O. Hooper, in the House Chamber.

PRAYER

The session was opened with prayer by the Reverend Hollis Preston, Pastor, Oneonta Church of God, Oneonta, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—102

A quorum was present.

## REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the tenth legislative day and finds the same to be correct.

TOM DRAKE,  
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the tenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the tenth legislative day was approved.

## RESOLUTION

The following resolution was introduced:

By Mr. Manley:

H. J. R. 334. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the two Houses convene at 10:45 a. m. in joint session for the purpose of hearing the Degussa Media Group to make a report to the Legislature.

On motion of Mr. Manley, the rules were suspended and the resolution, H. J. R. 334, was adopted.

## LEAVE OF ABSENCE

At the request of Mr. Manley, leave of absence was granted for Messrs. Trammell and Mitchem, due to illness.

## JOINT SESSION

Pursuant to the resolution, H. J. R. 334, heretofore adopted, the Senate and House of Representatives of the Legislature of Alabama met in Joint Session in the Hall of the House of Representatives for the purpose of hearing a report by the Degussa Media Group.

The Joint Session was called to order by the Honorable Jere Beasley, Lieutenant Governor and Presiding Officer of the Senate.

Thereupon, the Degussa Media Group delivered its report to the Members of the Legislature of Alabama.

The Lieutenant Governor and Presiding Officer of the Senate then announced that the purpose of the Joint Session having been accomplished, the Senate would retire to its Chamber.

The Speaker of the House then called the House to order.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 110. NAMING THE CHAPEL AT ATHENS STATE COLLEGE THE "CHAPEL OF PI TAU CHI."

McDOWELL LEE,  
Secretary.



## RESOLUTIONS

Consideration of the resolutions by the Sunset Committee were resumed.

By Sunset Committee:

H. J. R. 264. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ARMED FORCES DAY COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Armed Forces Day Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Armed Forces Day Commission, the committee voted to recommend the continued existence of the Armed Forces Day Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Armed Forces Day Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 264, was adopted.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmer, Ford, Gafford, Glass, Harris, Hilliard, Hines, Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Killian, Leonard, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Roberts, Robertson, Sasser, Shelton, Shoemaker, Smith (C), Smith (M), Sonnier, Starkey, Taylor, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—64

## MOTION TO RECESS ADOPTED

The motion offered by Mr. Manley that the House recess at 12:00 o'clock noon for one and one-half hours for lunch was adopted.

## RESOLUTIONS RESUMED

By Sunset Committee:

H. J. R. 265. PROVIDING FOR THE CONTINUED EXISTENCE OF THE COMMISSION ON AGING (DEPARTMENT AND COMMISSION).

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Commission on Aging (Department and Commission); and

WHEREAS, following a review and evaluation relative to the continued existence of the Commission on Aging (Department and Com-

mission), the committee voted to recommend the continued existence of the Commission on Aging (Department and Commission); now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Commission on Aging (Department and Commission), pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 265, was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Crowe, Drake, Falkenburg, Folmar, Gafford, Goodwin, Harris, Hilliard, Hines, Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Killian, Kinsey, Leonard, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Owens, Pegues, Plaster, Porter, Quarles, Roberts, Sasser, Shelton, Shoemaker, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Turnham, Venable, Waggoner, Weeks, White, Williams, Wyatt and Younce.

—63

Also:

By Sunset Committee:

H. J. R. 266. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CHOCTAWHATCHEE WATERSHED CONSERVANCY DISTRICT.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Choctawhatchee Watershed Conservancy District; and

WHEREAS, following a review and evaluation relative to the continued existence of the Choctawhatchee Watershed Conservancy District, the committee voted to recommend the continued existence of the Choctawhatchee Watershed Conservancy District; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Choctawhatchee Watershed Conservancy District, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 266, was adopted.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Gregg, Hall, Harris, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore

(W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Roberts, Sandusky, Sasser, Shelton, Shoemaker, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—75

Also:

By Sunset Committee:

H. J. R. 267. PROVIDING FOR THE TERMINATION OF THE LOST CREEK WATERSHED.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Lost Creek Watershed; and

WHEREAS, following a review and evaluation relative to the continued existence of the Lost Creek Watershed, the committee voted to recommend termination of the Lost Creek Watershed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Lost Creek Watershed, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

And the resolution, H. J. R. 267, was adopted.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Gregg, Hall, Harris, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Roberts, Sandusky, Sasser, Shelton, Shoemaker, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—75

#### UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Holmes (A) voting "Yea" on all resolutions.

Also:

By Sunset Committee:

H. J. R. 268. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEAF AND BLIND INSTITUTE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Deaf and Blind Institute; and

WHEREAS, following a review and evaluation relative to the continued existence of the Deaf and Blind Institute, the committee voted to

recommend the continued existence of the Deaf and Blind Institute; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Deaf and Blind Institute, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 268, was adopted.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Gregg, Hall, Harris, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Roberts, Sandusky, Sasser, Shelton, Shoemaker, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—75

Also:

By Sunset Committee:

H. J. R. 269. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF DENTAL SCHOLARSHIP AWARDS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Board of Dental Scholarship Awards; and

WHEREAS, following a review and evaluation relative to the continued existence of the Board of Dental Scholarship Awards, the committee voted to recommend the continued existence of the Board of Dental Scholarship Awards; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Board of Dental Scholarship Awards, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 269, was adopted.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Gregg, Hall, Harris, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Roberts, Sandusky, Sasser, Shelton, Shoemaker, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—75

Also:

By Sunset Committee:

**H. J. R. 270. PROVIDING FOR THE CONTINUED EXISTENCE OF THE MEDICAL SCHOLARSHIP AWARDS.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Medical Scholarship Awards; and

WHEREAS, following a review and evaluation relative to the continued existence of the Medical Scholarship Awards, the committee voted to recommend the continued existence of the Medical Scholarship Awards; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSE THEREOF CONCURRING,** That the Medical Scholarship Awards, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 270, was adopted.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Gregg, Hall, Harris, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeas, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Roberts, Sandusky, Sasser, Shelton, Shoemaker, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—75

Also:

By Sunset Committee:

**H. J. R. 271. PROVIDING FOR THE CONTINUED EXISTENCE OF THE FIRE COLLEGE (DEPARTMENT AND ADVISORY COMMITTEE).**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Fire College (Department and Advisory Committee); and

WHEREAS, following a review and evaluation relative to the continued existence of the Fire College (Department and Advisory Committee), the committee voted to recommend the continued existence of the Fire College (Department and Advisory Committee); now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Fire College (Department

and Advisory Committee), pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 271, was adopted.

Yeas 75; Nays 0.

*Yeas:*

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Gregg, Hall, Harris, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Roberts, Sandusky, Sasser, Shelton, Shoemaker, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—75

Also:

By Sunset Committee:

H. J. R. 272. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BUILDING COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Building Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Building Commission, the committee voted to recommend the continued existence of the Building Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Building Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 272, was adopted.

Yeas 75; Nays 0.

*Yeas:*

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Gregg, Hall, Harris, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Roberts, Sandusky, Sasser, Shelton, Shoemaker, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—75

Also:

By Sunset Committee:

H. J. R. 273. PROVIDING FOR THE TERMINATION OF THE RIVERBOAT ASSOCIATION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Riverboat Association; and

WHEREAS, following a review and evaluation relative to the continued existence of the Riverboat Association, the committee voted to recommend termination of the Riverboat Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Riverboat Association, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

And the resolution, H. J. R. 273, was adopted.

Yeas 50; Nays 5.

Yeas:

Mr. Speaker, Baker, Biddle, Brindley, Campbell, Carter, Crawford, Cross, Drake, Falkenburg, Folmar, Gafford, Glass, Gregg, Hall, Hilliard, Holley, Holmes (D), Hopping, Howard, Johnstone, Jolly, Kelley, Lee, Leonard, Lutz, McCluskey, McCulley, McNees, Manley, Merrill, Moore (O), Moore (W), Owens, Pegues, Porter, Quarles, Roberts, Sasser, Shoemaker, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, Weeks and Wyatt.

—50

Nays: Messrs.: Barron, Harris, Holmes (A), Plaster and Wyatt.

—5

Also:

By Sunset Committee:

H. J. R. 274. PROVIDING FOR THE CONTINUED EXISTENCE OF THE VETERANS DAY PROMOTION IN ALABAMA, BIRMINGHAM.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Veterans Day Promotion in Alabama, Birmingham; and

WHEREAS, following a review and evaluation relative to the continued existence of the Veterans Day Promotion in Alabama, Birmingham, the committee voted to recommend the continued existence of the Veterans Day Promotion in Alabama, Birmingham; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Veterans Day Promotion in Alabama, Birmingham, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 274, was adopted.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Lee, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Porter, Quarles, Roberts, Robertson, Sandusky, Sasser, Shoemaker, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—74

Also:

By Sunset Committee:

H. J. R. 275. PROVIDING FOR THE CONTINUED EXISTENCE OF THE NATIONAL VETERANS DAY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the National Veterans Day; and

WHEREAS, following a review and evaluation relative to the continued existence of the National Veterans Day, the committee voted to recommend the continued existence of the National Veterans Day; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the National Veterans Day, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 275, was adopted.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Lee, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Porter, Quarles, Roberts, Robertson, Sandusky, Sasser, Shoemaker, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—74

Also:

By Sunset Committee:

H. J. R. 276. PROVIDING FOR THE CONTINUED EXISTENCE OF THE COUNCIL OF ALABAMA ARCHEOLOGY.



## 11th Day

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Council of Alabama Archeology; and

WHEREAS, following a review and evaluation relative to the continued existence of the Council of Alabama Archeology, the committee voted to recommend the continued existence of the Council of Alabama Archeology; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Council of Alabama Archeology, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 276, was adopted.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Lee, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Porter, Quarles, Roberts, Robertson, Sandusky, Sasser, Shoemaker, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—74

Also:

By Sunset Committee:

H. J. R. 277. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ARCHEOLOGICAL ADVISORY COUNCIL.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Archeological Advisory Council; and

WHEREAS, following a review and evaluation relative to the continued existence of the Archeological Advisory Council, the committee voted to recommend the continued existence of the Archeological Advisory Council; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Archeological Advisory Council, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 277, was adopted.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Crawford, Cross, Crowe, Drake,

Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Lee, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Porter, Quarles, Roberts, Robertson, Sandusky, Sasser, Shoemaker, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—74

Also:

By Sunset Committee:

**H. J. R. 278. PROVIDING FOR THE CONTINUED EXISTENCE OF THE AGRICULTURAL AND INDUSTRIAL EXHIBIT COMMISSION.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Agricultural and Industrial Exhibit Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Agricultural and Industrial Exhibit Commission, the committee voted to recommend the continued existence of the Agricultural and Industrial Exhibit Commission; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Agricultural and Industrial Exhibit Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 278, was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Baker, Barron, Brindley, Buskey, Callahan, Campbell, Cates, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Greer, Hall, Hill, Hilliard, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Jolly, Kelley, Kennedy, Leonard, Lockett, Lutz, McCulley, McNees, Manley, Martin, Merrill, Moore (O), Owens, Pegues, Plaster, Porter, Quarles, Roberts, Robertson, Sandusky, Sasser, Shoemaker, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Warren, Weeks, White, Williams and Wyatt.

—62

Also:

By Sunset Committee:

**H. J. R. 279. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA PLANNING AND ADVISORY COUNCIL FOR DEVELOPMENTAL DISABILITIES SERVICE AND FACILITIES.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Planning and Advisory Council for Developmental Disabilities Service and Facilities; and

## 11th Day

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Planning and Advisory Council for Developmental Disabilities Service and Facilities, the committee voted to recommend the continued existence of the Alabama Planning and Advisory Council for Developmental Disabilities Service and Facilities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Planning and Advisory Council for Developmental Disabilities Service and Facilities, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 279, was adopted.

Yeas 6; Nays 0.

Yeas:

Mr. Speaker, Baker, Barron, Brindley, Buskey, Callahan, Campbell, Cates, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Jolly, Kelley, Kennedy, Killian, Lee, Leonard, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Naramore, Owens, Plaster, Porter, Quarles, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Weeks, White, Williams and Wyatt.

—66

Also:

By Sunset Committee:

H. J. R. 280. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BIRMINGHAM TRAINING CENTER FOR BRAIN INJURED CHILDREN.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Birmingham Training Center for Brain Injured Children; and

WHEREAS, following a review and evaluation relative to the continued existence of the Birmingham Training Center for Brain Injured Children, the committee voted to recommend the continued existence of the Birmingham Training Center for Brain Injured Children; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Birmingham Training Center for Brain Injured Children, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 280, was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Baker, Barron, Brindley, Buskey, Callahan, Campbell, Cates, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Holley,

Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Jolly, Kelley, Kennedy, Killian, Lee, Leonard, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Naramore, Owens, Plaster, Porter, Quarles, Roberts, Sandusky Sasser, Shoemaker, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Weeks, White, Williams and Wyatt.

—66

Also:

By Sunset Committee:

**H. J. R. 281. PROVIDING FOR THE CONTINUED EXISTENCE OF THE HISTORICAL COMMISSION.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Historical Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Historical Commission, the committee voted to recommend the continued existence of the Historical Commission; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Historical Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 281, was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Baker, Barron, Brindley, Buskey, Callahan, Campbell, Cates, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Jolly, Kelley, Kennedy, Killian, Lee, Leonard, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Naramore, Owens, Plaster, Porter, Quarles, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Weeks, White, Williams and Wyatt.

—66

Also:

By Sunset Committee:

**H. J. R. 282. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LIVE IN A LANDMARK COUNCIL.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Live in a Landmark Council; and

WHEREAS, following a review and evaluation relative to the continued existence of the Live in a Landmark Council, the committee voted to recommend the continued existence of the Live in a Landmark Council; now therefore,

REGULAR SESSION  
11th Day

655

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Live in a Landmark Council, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 282, was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Baker, Barron, Brindley, Buskey, Callahan, Campbell, Cates, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Jolly, Kelley, Kennedy, Killian, Lee, Leonard, Lockett, Lutz, McCulley, McMillan, McNeese, Manley, Martin, Merrill, Moore (O), Naramore, Owens, Plaster, Porter, Quarles, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Weeks, White, Williams and Wyatt.

—66

Also:

By Sunset Committee:

H. J. R. 283. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA DIVERSION INVESTIGATIVE UNIT.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Diversion Investigative Unit; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Diversion Investigative Unit, the committee voted to recommend the continued existence of the Alabama Diversion Investigative Unit; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Diversion Investigative Unit, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 283, was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Baker, Barron, Brindley, Buskey, Callahan, Campbell, Cates, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Jolly, Kelley, Kennedy, Killian, Lee, Leonard, Lockett, Lutz, McCulley, McMillan, McNeese, Manley, Martin, Merrill, Moore (O), Naramore, Owens, Plaster, Porter, Quarles, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Weeks, White, Williams and Wyatt.

—66

Also:

By Sunset Committee:

H. J. R. 284. PROVIDING FOR THE CONTINUED EXISTENCE OF THE APPALACHIAN REGIONAL COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Appalachian Regional Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Appalachian Regional Commission, the committee voted to recommend the continued existence of the Appalachian Regional Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Appalachian Regional Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 284, was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Baker, Barron, Brindley, Buskey, Callahan, Campbell, Cates, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Jolly, Kelley, Kennedy, Killian, Lee, Leonard, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Naramore, Owens, Plaster, Porter, Quarles, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Weeks, White, Williams and Wyatt.

—66

Also:

By Sunset Committee:

H. J. R. 285. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BIG NANCE WATERSHED CONSERVANCY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Big Nance Watershed Conservancy; and

WHEREAS, following a review and evaluation relative to the continued existence of the Big Nance Watershed Conservancy, the committee voted to recommend the continued existence of the Big Nance Watershed Conservancy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Big Nance Watershed Conservancy, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

REGULAR SESSION  
11th Day

657

And the resolution, H. J. R. 285, was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Baker, Barron, Brindley, Buskey, Callahan, Campbell, Cates, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Jolly, Kelley, Kennedy, Killian, Lee, Leonard, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Naramore, Owens, Plaster, Porter, Quarles, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Weeks, White, Williams and Wyatt.

—66

Also:

By Sunset Committee:

H. J. R. 286. PROVIDING FOR THE TERMINATION OF THE DEKALB COUNTY-BIG WILLIS WATERSHED.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the DeKalb County-Big Willis Watershed; and

WHEREAS, following a review and evaluation relative to the continued existence of the DeKalb County-Big Willis Watershed, the committee voted to recommend termination of the DeKalb County-Big Willis Watershed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the DeKalb County-Big Willis Watershed, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

And the resolution, H. J. R. 286, was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Baker, Barron, Brindley, Buskey, Callahan, Campbell, Cates, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Jolly, Kelley, Kennedy, Killian, Lee, Leonard, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Naramore, Owens, Plaster, Porter, Quarles, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Weeks, White, Williams and Wyatt.

—66

Also:

By Sunset Committee:

H. J. R. 287. PROVIDING FOR THE TERMINATION OF THE ETOWAH COUNTY-BIG WILLIS WATERSHED.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein en-

tered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Etowah County-Big Willis Watershed; and

WHEREAS, following a review and evaluation relative to the continued existence of the Etowah County-Big Willis Watershed, the committee voted to recommend termination of the Etowah County-Big Willis Watershed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Etowah County-Big Willis Watershed, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

And the resolution, H. J. R. 287, was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Baker, Barron, Brindley, Buskey, Callahan, Campbell, Cates, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Jolly, Kelley, Kennedy, Killian, Lee, Leonard, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Naramore, Owens, Plaster, Porter, Quarles, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Weeks, White, Williams and Wyatt.

—66

Also:

By Sunset Committee:

H. J. R. 288. PROVIDING FOR THE TERMINATION OF THE ALABAMA CONSTITUTIONAL COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Constitutional Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Constitutional Commission, the committee voted to recommend termination of the Alabama Constitutional Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Constitutional Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

And the resolution, H. J. R. 288, was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Baker, Barron, Brindley, Buskey, Callahan, Campbell, Cates, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Jolly, Kelley, Kennedy, Killian, Lee, Leonard, Lockett, Lutz, McCulley,



McMillan, McNees, Manley, Martin, Merrill, Moore (O), Naramore, Owens, Plaster, Porter, Quarles, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Weeks, White, Williams and Wyatt.

—66

Also:

By Sunset Committee:

H. J. R. 289. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CHATTAHOOCHEE HISTORIC COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Chattahoochee Historic Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Chattahoochee Historic Commission, the committee voted to recommend the continued existence of the Chattahoochee Historic Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Chattahoochee Historic Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 289, was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Baker, Barron, Brindley, Buskey, Callahan, Campbell, Cates, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Jolly, Kelley, Kennedy, Killian, Lee, Leonard, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Naramore, Owens, Plaster, Porter, Quarles, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Weeks, White, Williams and Wyatt.

—66

Also:

By Sunset Committee:

H. J. R. 290. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CAHABA RIVER COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Cahaba River Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Cahaba River Commission, the committee voted to recommend the continued existence of the Cahaba River Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Cahaba River Com-

mission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 290, was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Baker, Barron, Brindley, Buskey, Callahan, Campbell, Cates, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Jolly, Kelley, Kennedy, Killian, Lee, Leonard, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Naramore, Owens, Plaster, Porter, Quarles, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Weeks, White, Williams and Wyatt.

—66

Also:

By Sunset Committee:

H. J. R. 291. PROVIDING FOR THE TERMINATION OF THE ALABAMA AVIATION EXHIBIT COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Aviation Exhibit Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Aviation Exhibit Commission, the committee voted to recommend termination of the Alabama Aviation Exhibit Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Aviation Exhibit Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

#### AMENDMENT OFFERED

Mr. Sasser offered the following amendment to the resolution, H. J. R. 291:

On line 27, strike the word "terminated" and insert in lieu thereof the word: continued

Also in the title strike the word "termination" and insert in lieu thereof the word: continuation

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 46; Nays 5.

Yeas:

Mr. Speaker, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Coburn, Crawford, Crowe, Dial, Falkenburg, Folmar, Gafford, Goodwin, Greer, Hill, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jolly, Kelley, McCulley, McMillan, McNees, Martin, Merrill, Moore (O),

REGULAR SESSION  
11th Day

661

Owens, Pegues, Porter, Quarles, Roberts, Robertson, Shoemaker, Sonnier, Starkey, Tucker, Turnham, Waggoner, Weeks, Whatley, White and Williams.

—46

*Nays:* Messrs.: Barron, Hall, Jackson (R), Leonard and Plaster. —5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the resolution, H. J. R. 291:

PROVIDING FOR THE CONTINUATION OF THE AVIATION  
EXHIBIT COMMISSION.

As thus amended, was adopted.

Yeas 70; Nays 0.

*Yeas:*

Mr. Speaker, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Greer, Gregg, Hall, Hill, Hilliard, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Leonard, Lockett, McCulley, McMillan, McNees, Martin, Merrill, Moore (O), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—70

Also:

By Sunset Committee:

H. J. R. 292. PROVIDING FOR THE CONTINUED EXISTENCE  
OF THE BOND COMMISSION 1951.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Bond Commission 1951; and

WHEREAS, following a review and evaluation relative to the continued existence of the Bond Commission 1951, the committee voted to recommend the continued existence of the Bond Commission 1951; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Bond Commission 1951, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 292, was adopted.

Yeas 77; Nays 0.

*Yeas:*

Mr. Speaker, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Crawford, Cross, Dial, Drake, Edwards,

Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Leonard, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—77

Also:

By Sunset Committee:

H. J. R. 293. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF COMPROMISE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Board of Compromise; and

WHEREAS, following a review and evaluation relative to the continued existence of the Board of Compromise, the committee voted to recommend the continued existence of the Board of Compromise, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Board of Compromise, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 293, was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Leonard, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—77

Also:

By Sunset Committee:

H. J. R. 294. PROVIDING FOR THE CONTINUED EXISTENCE OF THE COOSA-ALABAMA DEVELOPMENT AUTHORITY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Coosa-Alabama Development Authority; and

WHEREAS, following a review and evaluation relative to the continued existence of the Coosa-Alabama Development Authority, the committee voted to recommend the continued existence of the Coosa-Alabama Development Authority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Coosa-Alabama Development Authority, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 294, was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Leonard, Lockett, Lutz, McCulley, McMillan, McNeese, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—77

Also:

By Sunset Committee:

H. J. R. 295. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOXING AND WRESTLING COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Boxing and Wrestling Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Boxing and Wrestling Commission, the committee voted to recommend the continued existence of the Boxing and Wrestling Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Boxing and Wrestling Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 295, was adopted.

Yeas 69; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Cates, Coburn, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hilliard, Holley, Holmes (A), Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, Lewis, Lockett, Lutz, Martin, Merrill, Moore (O), Morris, Naramore, Pegues,

Plaster, Porter, Roberts, Sandusky, Shoemaker, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—69

Nay: Mr. Harrison.

—1

Also:

By Sunset Committee:

H. J. R. 296. PROVIDING FOR THE CONTINUED EXISTENCE OF THE FARMERS MARKET AUTHORITY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Farmers Market Authority; and

WHEREAS, following a review and evaluation relative to the continued existence of the Farmers Market Authority, the committee voted to recommend the continued existence of the Farmers Market Authority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Farmers Market Authority, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 296, was adopted.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Andrews, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Gregg, Hall, Harrison, Hilliard, Holley, Holmes (A), Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, Martin, Merrill, Moore (O), Morris, Pegues, Plaster, Porter, Quarles, Roberts, Robertson, Sandusky, Sasser, Shoemaker, Smith (C), Smith (M), Sonnier, Sparks, Taylor, Tucker, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—75

#### RECESS

The hour of 12:00 o'clock noon having arrived and pursuant to a motion previously adopted, the House recessed until 1:30 o'clock p. m.

#### HOUSE RECONVENED

The hour of 1:30 o'clock p. m. having arrived, the House reconvened. The Speaker called the House to order.

#### RESOLUTIONS RESUMED

Also:

By Sunset Committee:

H. J. R. 297. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ETHICS COMMISSION.

REGULAR SESSION  
11th Day

665

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Ethics Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Ethics Commission, the committee voted to recommend the continued existence of the Ethics Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Ethics Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 297, was adopted.

Yeas 95; Nays 3.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—95

Nays: Messrs.: Folmar, Morris and Smith (J).

—3

REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 110. NAMING THE CHAPEL AT ATHENS STATE COLLEGE THE "CHAPEL OF PI TAU CHI."

And finds same correctly enrolled.

TOM DRAKE,  
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

## RESOLUTIONS RESUMED

Also:

By Sunset Committee:

H. J. R. 298. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE BOARD OF ADJUSTMENT.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Board of Adjustment; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Board of Adjustment, the committee voted to recommend the continued existence of the State Board of Adjustment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Board of Adjustment, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 298, was adopted.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Gregg, Hall, Hilliard, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNair, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—84

Also:

By Sunset Committee:

H. J. R. 299. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CORRECTIONS INSTITUTION FINANCE AUTHORITY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Corrections Institution Finance Authority; and

WHEREAS, following a review and evaluation relative to the continued existence of the Corrections Institution Finance Authority, the committee voted to recommend the continued existence of the Corrections Institution Finance Authority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Corrections Institution



## 11th Day

Finance Authority, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 299, was adopted.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—94

Also:

By Sunset Committee:

H. J. R. 300. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA POLLUTION CONTROL FINANCE AUTHORITY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Pollution Control Finance Authority; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Pollution Control Finance Authority, the committee voted to recommend the continued existence of the Alabama Pollution Control Finance Authority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Pollution Control Finance Authority, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 300, was adopted.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson,

Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—94

Also:

By Sunset Committee:

H. J. R. 301. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE TENURE COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Tenure Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Tenure Commission, the committee voted to recommend the continued existence of the State Tenure Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Tenure Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 301, was adopted.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—94

Also:

By Sunset Committee:

H. J. R. 302. PROVIDING FOR THE CONTINUED EXISTENCE OF THE COMMISSION ON UNIFORM STATE LAWS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Commission on Uniform State Laws; and

WHEREAS, following a review and evaluation relative to the continued existence of the Commission on Uniform State Laws, the committee voted to recommend the continued existence of the Commission on Uniform State Laws; now therefore,

REGULAR SESSION  
11th Day

669

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Commission on Uniform State Laws, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 302, was adopted.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—94

Also:

By Sunset Committee:

H. J. R. 303. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA WOMEN'S COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Women's Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Women's Commission, the committee voted to recommend the continued existence of the Alabama Women's Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Women's Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 303, was adopted.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson,

Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—94

## UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Reed voting "Yea" on all resolutions beginning with H. J. R. 297.

Also:

By Sunset Committee:

H. J. R. 304. PROVIDING FOR THE CONTINUED EXISTENCE OF THE MEAT AND POULTRY INSPECTION ADVISORY COUNCIL.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Meat and Poultry Inspection Advisory Council; and

WHEREAS, following a review and evaluation relative to the continued existence of the Meat and Poultry Inspection Advisory Council, the committee voted to recommend the continued existence of the Meat and Poultry Inspection Advisory Council; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Meat and Poultry Inspection Advisory Council, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 304, was adopted.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—94

Also:

By Sunset Committee:

H. J. R. 305. PROVIDING FOR THE CONTINUED EXISTENCE OF HANK WILLIAMS MEMORIAL COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein en-

tered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Hank Williams Memorial Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Hank Williams Memorial Commission, the committee voted to recommend the continued existence of the Hank Williams Memorial Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Hank Williams Memorial Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 305, was adopted.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—94

Also:

By Sunset Committee:

H. J. R. 306. PROVIDING FOR THE CONTINUED EXISTENCE OF THE UNIVERSITY OF NORTH ALABAMA.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the University of North Alabama; and

WHEREAS, following a review and evaluation relative to the continued existence of the University of North Alabama, the committee voted to recommend the continued existence of the University of North Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the University of North Alabama, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 306, was adopted.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn,

Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—94

Also:

By Sunset Committee:

**H. J. R. 307. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CAMP SANITATION AND SAFETY ADVISORY COMMITTEE.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Camp Sanitation and Safety Advisory Committee; and

WHEREAS, following a review and evaluation relative to the continued existence of the Camp Sanitation and Safety Advisory Committee, the committee voted to recommend the continued existence of the Camp Sanitation and Safety Advisory Committee; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Camp Sanitation and Safety Advisory Committee, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 307, was adopted.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—94

Also:

By Sunset Committee:

**H. J. R. 308. PROVIDING FOR THE CONTINUED EXISTENCE OF THE JOINT INTERIM COMMITTEE ON FINANCE AND TAXATION.**

REGULAR SESSION  
11th Day

673

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Joint Interim Committee on Finance and Taxation; and

WHEREAS, following a review and evaluation relative to the continued existence of the Joint Interim Committee on Finance and Taxation, the committee voted to recommend the continued existence of the Joint Interim Committee on Finance and Taxation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Interim Committee on Finance and Taxation, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 308, was adopted.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—94

Also:

By Sunset Committee:

H. J. R. 309. PROVIDING FOR THE CONTINUED EXISTENCE OF WALKER COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Walker College; and

WHEREAS, following a review and evaluation relative to the continued existence of Walker College, the committee voted to recommend the continued existence of Walker College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Walker College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 309, was adopted.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn,

Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—94

Also:

By Sunset Committee:

**H. J. R. 310. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA ADVISORY COUNCILS ON VOCATIONAL EDUCATION.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Advisory Councils on Vocational Education; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Advisory Councils on Vocational Education, the committee voted to recommend the continued existence of the Alabama Advisory Councils on Vocational Education; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Alabama Advisory Councils on Vocational Education, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 310, was adopted.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—94

Also:

By Sunset Committee:

**H. J. R. 311. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA WOMEN'S HALL OF FAME.**



## 11th Day

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Women's Hall of Fame; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Women's Hall of Fame, the committee voted to recommend the continued existence of the Alabama Women's Hall of Fame; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Women's Hall of Fame, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 311, was adopted.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—94

Also:

By Sunset Committee:

H. J. R. 312. PROVIDING FOR THE TERMINATION OF THE COMMITTEE TO SURVEY LIVING CONDITIONS IN STATE INSTITUTIONS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Committee to Survey Living Conditions in State Institutions; and

WHEREAS, following a review and evaluation relative to the continued existence of the Committee to Survey Living Conditions in State Institutions, the committee voted to recommend termination of the Committee to Survey Living Conditions in State Institutions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Committee to Survey Living Conditions in State Institutions, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

And the resolution, H. J. R. 312, was adopted.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—94

Also:

By Sunset Committee:

**H. J. R. 313. PROVIDING FOR THE TERMINATION OF THE FIRE ANT STUDY COMMITTEE.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Fire Ant Study Committee; and

WHEREAS, following a review and evaluation relative to the continued existence of the Fire Ant Study Committee, the committee voted to recommend termination of the Fire Ant Study Committee; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Fire Ant Study Committee, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

And the resolution, H. J. R. 313, was adopted.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—94

Also:

By Sunset Committee:

H. J. R. 314. PROVIDING FOR THE TERMINATION OF THE COMMISSION ON INTERGOVERNMENTAL COOPERATION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Commission on Intergovernmental Cooperation; and

WHEREAS, following a review and evaluation relative to the continued existence of the Commission on Intergovernmental Cooperation, the committee voted to recommend termination of the Commission on Intergovernmental Cooperation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Commission on Intergovernmental Cooperation, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

And the resolution, H. J. R. 314, was adopted.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—94

Also:

By Sunset Committee:

H. J. R. 315. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEPARTMENT OF COURT MANAGEMENT.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Department of Court Management; and

WHEREAS, following a review and evaluation relative to the continued existence of the Department of Court Management, the committee voted to recommend the continued existence of the Department of Court Management; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Department of Court

Management, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 315, was adopted.

Yeas 94; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—94

*Also:*

By Sunset Committee:

H. J. R. 316. PROVIDING FOR THE CONTINUED EXISTENCE OF THE PERMANENT STUDY COMMITTEE ON ALABAMA'S JUDICIAL SYSTEM.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Permanent Study Committee on Alabama's Judicial System; and

WHEREAS, following a review and evaluation relative to the continued existence of the Permanent Study Committee on Alabama's Judicial System, the committee voted to recommend the continued existence of the Permanent Study Committee on Alabama's Judicial System; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Permanent Study Committee on Alabama's Judicial System, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 316, was adopted.

Yeas 94; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens,

REGULAR SESSION  
11th Day

679

Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—94

Also:

By Sunset Committee:

H. J. R. 317. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DOCKS ADVISORY COMMITTEE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Docks Advisory Committee; and

WHEREAS, following a review and evaluation relative to the continued existence of the Docks Advisory Committee, the committee voted to recommend the continued existence of the Docks Advisory Committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Docks Advisory Committee, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 317, was adopted.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—94

Also:

By Sunset Committee:

H. J. R. 318. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BEAUTIFICATION BOARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Beautification Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Beautification Board, the committee voted to recommend the continued existence of the Beautification Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Beautification Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 318, was adopted.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—94

Also:

By Sunset Committee:

H. J. R. 319. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DAUPHIN ISLAND PARK AND BEACH BOARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Dauphin Island Park and Beach Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Dauphin Island Park and Beach Board, the committee voted to recommend the continued existence of the Dauphin Island Park and Beach Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Dauphin Island Park and Beach Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 319, was adopted.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson,

Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—94

Also:

By Sunset Committee:

**H. J. R. 320. PROVIDING FOR THE CONTINUED EXISTENCE OF THE MOUNTAIN LAKES ASSOCIATION.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Mountain Lakes Association; and

WHEREAS, following a review and evaluation relative to the continued existence of the Mountain Lakes Association, the committee voted to recommend the continued existence of the Mountain Lakes Association; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Mountain Lakes Association, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 320, was adopted.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—94

Also:

By Sunset Committee:

**H. J. R. 321. PROVIDING FOR THE CONTINUED EXISTENCE OF THE TERRAPIN CREEK WATERSHED CONSERVANCY.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Terrapin Creek Watershed Conservancy; and

WHEREAS, following a review and evaluation relative to the continued existence of the Terrapin Creek Watershed Conservancy, the committee voted to recommend the continued existence of the Terrapin Creek Watershed Conservancy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Terrapin Creek Watershed Conservancy, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 321, was adopted.

Yeas 94; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—94

*Also:*

By Sunset Committee:

H. J. R. 322. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LaGRANGE HISTORICAL COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the LaGrange Historical Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the LaGrange Historical Commission, the committee voted to recommend the continued existence of the LaGrange Historical Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the LaGrange Historical Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 322, was adopted.

Yeas 94; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson,



Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—94

Also:

By Sunset Committee:

**H. J. R. 323. PROVIDING FOR THE CONTINUED EXISTENCE OF THE HELEN KELLER PROPERTY BOARD.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Helen Keller Property Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Helen Keller Property Board, the committee voted to recommend the continued existence of the Helen Keller Property Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Helen Keller Property Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

And the resolution, H. J. R. 323, was adopted.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—94

**UNANIMOUS CONSENT GRANTED**

Unanimous consent was granted for the Journal to show Mr. Jackson (R) voting "Yea" on all the resolutions by the Sunset Committee.

Also:

By Sunset Committee:

**H. J. R. 324. PROVIDING FOR THE TERMINATION OF THE TASK FORCE ON ENVIRONMENTAL STUDY.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Task Force on Environmental Study; and

WHEREAS, following a review and evaluation relative to the continued existence of the Task Force on Environmental Study, the committee voted to recommend termination of the Task Force on Environmental Study; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Task Force on Environmental Study, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

And the resolution, H. J. R. 324, was adopted.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—94

Also:

By Sunset Committee:

H. J. R. 325. PROVIDING FOR THE TERMINATION OF THE DEPARTMENT AND BOARD OF YOUTH SERVICES.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Department and Board of Youth Services; and

WHEREAS, following a review and evaluation relative to the continued existence of the Department and Board of Youth Services, the committee voted to recommend termination of the Department and Board of Youth Services; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Department and Board of Youth Services, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

#### SUBSTITUTE OFFERED

Messrs. Folmar and Hill offered the following substitute to the resolution, H. J. R. 325:

PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEPARTMENT OF YOUTH SERVICES.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Department of Youth Services; and

## 11th Day

WHEREAS, following a review and evaluation relative to the continued existence of the Department of Youth Services, the committee voted to recommend the discontinued existence of the Department of Youth Services; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Department of Youth Services, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

## MOTION TO TABLE LOST

The motion offered by Mr. Gafford to table the substitute offered by Messrs. Folmar and Hill to the resolution, H. J. R. 325, was lost.

Yeas 32; Nays 60.

*Yeas:*

Messrs.: Albright, Andrews, Armstrong, Baker, Biddle, Boles, Carothers, Crawford, Crowe, Falkenburg, Gafford, Hall, Hilliard, Holmes (D), Hopping, Jackson (F), Johnson, Jolly, Lee, Leonard, McNair, Merrill, Moore (O), Owens, Quarles, Robertson, Shelton, Tucker, Waggoner, Weeks, White and Williams.

—32

*Nays:*

Messrs.: Barron, Brindley, Buskey, Callahan, Carter, Cates, Clark, Coburn, Cross, Dial, Drake, Edwards, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Harris, Harrison, Hill, Hines, Holley, Holmes (A), Howard, Johnstone, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Moore (W), Pegues, Plaster, Porter, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Turnham, Venable, Warren, Wyatt and Younce.

—60

## SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Messrs. Folmar and Hill to the resolution, H. J. R. 325, and the substitute was adopted.

Yeas 61; Nays 31.

*Yeas:*

Messrs.: Baker, Barron, Buskey, Callahan, Carter, Cates, Coburn, Cross, Dial, Drake, Edwards, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Harris, Harrison, Hill, Hines, Holley, Holmes (A), Howard, Jackson (F), Johnstone, Jolly, Kennedy, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Moore (W), Naramore, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Taylor, Turnham, Venable, Warren, Wyatt and Younce.

—61

*Nays:*

Messrs.: Andrews, Armstrong, Biddle, Boles, Brindley, Campbell, Carothers, Crawford, Crowe, Falkenburg, Gafford, Hall, Hilliard, Holmes (D), Hopping, Johnson, Kelley, Lee, Leonard, McNair, Merrill, Moore (O), Owens, Robertson, Shelton, Tucker, Waggoner, Weeks, Whatley, White and Williams.

—31

And the resolution, H. J. R. 325:

PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEPARTMENT OF YOUTH SERVICES.

As thus amended, was adopted.

Yeas 72; Nays 22.

*Yeas:*

Mr. Speaker, Albright, Baker, Barron, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Dial, Drake, Edwards, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Harris, Harrison, Hill, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Johnson, Johnstone, Kelley, Kennedy, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Manley, Martin, Moore (W), Owens, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Turnham, Venable, Warren, Weeks, Whatley, Williams, Wyatt and Younce.

—72

*Nays:*

Messrs.: Andrews, Armstrong, Biddle, Boles, Crowe, Falkenburg, Gafford, Hall, Hilliard, Hopping, Jackson (R), Jolly, Lee, Leonard, McNair, Merrill, Moore (O), Robertson, Shelton, Tucker, Waggoner and White.

—22

The Speaker requested the opinion of the House on continuing with the regular order of business, as the Sunset Bill is not clear in its direction. Before the question was resolved, the House stood in adjournment.

#### ADJOURNMENT

On motion of Mr. Manley, the House adjourned until 10:00 o'clock p. m., Thursday, March 10, 1977.

Yeas 44; Nays 24.

*Yeas:*

Messrs.: Baker, Barron, Biddle, Buskey, Cates, Coburn, Crawford, Cross, Dial, Drake, Edwards, Folmar, Gafford, Goodwin, Hall, Harris, Hines, Holley, Hopping, Howard, Johnson, Kennedy, Lewis, Lockett, McCulley, McNees, Manley, Martin, Merrill, Moore (W), Morris, Pegues, Porter, Quarles, Rich, Riddick, Sasser, Shelton, Shoemaker, Smith (M), Sparks, Warren, Weeks and Williams.

—44

*Nays:*

Messrs.: Andrews, Carothers, Carter, Falkenburg, Greer, Gregg, Hill, Holmes (A), Jackson (F), Johnstone, Killian, Kinsey, Lutz, McCluskey, McMillan, Naramore, Smith (C), Sonnier, Starkey, Turnham, Venable, Waggoner, Whatley and Wyatt.

—24

## TWELFTH DAY

House of Representatives  
Montgomery, Alabama  
Thursday, March 10, 1977

The House met pursuant to adjournment.

## PRAYER

The session was opened with prayer by the Reverend John Vickers, District Superintendent United Methodist Church, Selma, Alabama.

## ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—101

A quorum was present.

## REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eleventh legislative day and finds the same to be correct.

TOM DRAKE,  
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the eleventh legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the eleventh legislative day was approved.

## LEAVES OF ABSENCE

At the request of Mr. Sandusky, leave of absence was granted for Mr. Cooper, due to illness.

At the request of Mr. Manley, leave of absence was granted for Messrs. Mitchem and Trammell, due to illness.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution, and returns same herewith to the House:

H. J. R. 179. PROVIDING FOR THE CONTINUED EXISTENCE  
OF THE DEPARTMENT OF AGRICULTURE AND INDUSTRIES.McDOWELL LEE,  
Secretary.

## SENATE MESSAGE

On motion of Mr. Manley, the House concurred in and adopted the Senate amendment to the resolution, H. J. R. 179, said Senate amendment being as follows:

Amend House Joint Resolution 179 by striking the word "Department" therefrom wherever it appears in said resolution and substitute in lieu thereof the word "Board".

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Albright, Barron, Biddle, Brindley, Campbell, Carter, Crawford, Crowe, Dial, Drake, Edwards, Folmar, Gafford, Hall, Harris, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, McCluskey, McMillan, Manley, Martin, Merrill, Moore (O), Moore (W), Pegues, Plaster, Reed, Roberts, Robertson, Shoemaker, Smith (C), Smith (J), Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—53

And the resolution, H. J. R. 179:

PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD  
OF AGRICULTURE AND INDUSTRIES.

As thus amended, was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Biddle, Brindley, Campbell, Carter, Cates, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Gregg, Hall, Harris, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Owens, Pegues, Plaster, Porter, Reed, Riddick, Roberts, Robertson, Shoemaker, Smith (C), Smith (J), Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—67

## MOTION IN WRITING

Mr. Manley filed the following Motion in Writing:

WHEREAS, the House of Representatives has received and acted on all two hundred nine (209) resolutions submitted to it by the Sunset Committee, and;

WHEREAS, the Lt. Governor and the Senate have chosen to act on only eighteen (18) resolutions under the Sunset Law, and these eighteen (18) House Resolutions having been received back in the House to be signed by the Speaker and their being sent on to the Governor for his consideration, and;

WHEREAS, it was the intent of the Legislature in enacting the Sunset Law that this law not delay or impair the legislative process any more than absolutely necessary, and;

WHEREAS, it is proper for the House of Representatives at this time to move forward to its regular order of business and not delay but to take any future Sunset Resolutions that might be received from the Senate or messages, including vetoes that might be received from the Governor, as priority order of business at the time of their receipt;

THEREFORE, Mr. Speaker, I do now make the following motion in writing:

"That the House of Representatives proceed immediately to its regular order of business, but should the Clerk of the House receive any further messages from the Senate relating to the Sunset Law or any vetoes or any other messages from the Governor relating to the Sunset Law, that they be made the immediate and priority order of business upon receipt by the Clerk.

"Mr. Speaker, I move adoption of this motion in writing and call for the ayes and nays."

On motion of Mr. Manley, the rules were suspended and the Motion in Writing was adopted.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Holley, Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McMillan, McNair, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Robertson, Sasser, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—74

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 122. PROVIDING FOR THE CONTINUED EXISTENCE OF THE EXAMINERS OF PUBLIC ACCOUNTS.

Also:

H. J. R. 128. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEPARTMENT OF INDUSTRIAL RELATIONS.

Also:

H. J. R. 129. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ADVISORY COUNCIL.

Also:

H. J. R. 131. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEPARTMENT OF LABOR.

Also:

H. J. R. 132. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA SECURITIES COMMISSION.

Also:

H. J. R. 160. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF APPEALS.

Also:

H. J. R. 162. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LIQUEFIED PETROLEUM GAS BOARD.

Also:

H. J. R. 177. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE BOARD OF EXAMINERS OF SPEECH PATHOLOGY AND AUDIOLOGY.

Also:

H. J. R. 178. PROVIDING FOR THE CONTINUED EXISTENCE OF THE AIR POLLUTION CONTROL COMMISSION.

Also:

H. J. R. 181. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE BOARD OF VETERINARY MEDICAL EXAMINERS.

Also:

H. J. R. 182. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ENTOMOLOGISTS, HORTICULTURISTS, FLORICULTURISTS, AND TREE SURGEONS.

Also:

H. J. R. 207. PROVIDING FOR THE CONTINUED EXISTENCE OF THE COSMETOLOGY BOARD.

Also:

H. J. R. 295. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOXING AND WRESTLING COMMISSION.

Also:

H. J. R. 296. PROVIDING FOR THE CONTINUED EXISTENCE OF THE FARMERS MARKET AUTHORITY.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 297. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ETHICS COMMISSION.

Also:

H. J. R. 308. PROVIDING FOR THE CONTINUED EXISTENCE OF THE JOINT INTERIM COMMITTEE ON FINANCE AND TAXATION.



REGULAR SESSION  
12th Day

691

Also:

H. J. R. 314. PROVIDING FOR THE TERMINATION OF THE COMMISSION ON INTERGOVERNMENTAL COOPERATION.

McDOWELL LEE,  
Secretary.

BILLS ON SECOND READING

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 394. (With Substitute): To amend Code of Alabama 1940, Title 48, Section 82, providing for judicial review of proceedings on appeal from orders of the Alabama Public Service Commission.

H. 346. (With Substitute): To prohibit any telephone company, through any interconnecting or other agreement with South Central Bell Telephone Company, or its successor, or otherwise, from receiving an automatic increase in its net return, as the result of any order of the Alabama Public Service Commission or court granting an increase to South Central Bell Telephone Company, or its successor, in its intrastate net return; to repeal all laws and parts of laws in conflict herewith, and to provide the effective date of this Act.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 353. (With Substitute) (With Amendments): To provide for and require competitive bidding on specified contracts for labor, services, or work, and for the purchase of materials, equipment, supplies or other personal property, made by or on behalf of any public utility or telephone company doing business in the State of Alabama, and prescribing penalties.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 840. To exclude any person from eligibility for unemployment benefit coverage under Title 26, Code of Alabama of 1940, as amended, when he is employed by any non-profit organization or any political subdivision on a temporary, part-time, or seasonal basis, primarily in the field of recreation or camp counselling; and to exempt such non-profit organizations or political subdivisions from the requirement of making contributions therefor for such person.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 390. (With Substitute): To grant certain institutions of higher learning the power of eminent domain.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 653. To amend Code of Alabama (1940), Title 52, Section 62 to clarify authority of county boards of education to administer and supervise schools so as to broaden such authority.

H. 654. To amend Code of Alabama (1940), Title 52, Section 158 to clarify authority of city boards of education to administer and supervise schools so as to broaden such authority.

H. 655. To provide for the cooperation and continuing legal education of attorneys who represent public boards and agencies; to authorize public boards and agencies to expend funds for such purposes.

H. 824. Requiring prior notification by the public safety department to a driver that his driver's license is about to expire.

H. 908. To propose an amendment to the Constitution of Alabama repealing Article 6, Section 148, Constitution of Alabama 1901 which created the Judicial Compensation Commission.

The above bill was read a second time at length as required by the Constitution.

H. 922. To amend Section 5 of Act No. 63, H. 68, 1971 Organizational Session (Acts of 1971, p. 101; appearing in Code of Alabama, Recompiled 1958, Title 47, Section 318), known as the Uniform Disposition of Unclaimed Property Act; so as to exempt patronage refunds of cooperatives.

H. 893. To amend Section 4(D) of Act 90, Fourth Special Session, 1975, so as to exclude speech pathologists or audiologists employed by the Alabama Department of Mental Health from the licensing provisions of said Act.

H. 903. Relating to trees, tree seedlings and saplings of any kind or species on or within highway right of way in possession of, or under the control of the State of Alabama Highway Department: To constitute and make it a misdemeanor and to provide penalties for any person to cut down, deaden, girdle, box destroy, or to take away if already cut down, any tree, tree seedling or sapling of any kind or species on or within highway right of way in the possession of, or under the control of the State of Alabama Highway Department; to provide application to those aiding or abetting, or who are in any manner an accomplice therein; to provide for testimony to establish right of way in the possession of, or under the control of the Highway Department; and to exempt employees of the Highway Department from the penalties provided while acting within the line and scope of their employment.

H. 905. To create in the State of Alabama a "Joint Advisory Board of Family Practice" to further the supply of competent family physician; to provide for the Board's membership number and selection; and to establish the duties and authorities of the Advisory Board.

H. 794. To amend further Sections 1, 4, 6, 7, 9, 11, 12, 14, 16, 23 and 28 and to repeal Section 29 of Act No. 78, S. 72, Special Session 1961 (Acts 1961, p. 1955), relating to cosmetology in any county having a population of less than 600,000 according to the last or any subsequent federal decennial census, so as to further provide for the service area, compensation and expenses of members of the board; and to further regulate the teaching and practice of cosmetology.

H. 452. To amend Title 55, Section 317, Code of Alabama 1940, so as to allow any state government employee to run for municipal office.

H. 883. Relating to the State Personnel Board to increase the number of members on said board from three to five; providing for the selection appointment, term of office and compensation of the additional members and repealing all conflicting statutes.

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 204. (With Substitute) (With Amendment): To vest regulatory authority over hazardous waste management in the State Board of Health; to authorize the Board to purchase, lease, and administer lands to be used as disposal sites for hazardous wastes; to vest perpetual responsibility for such sites in the State of Alabama; to establish the Hazardous Wastes Technical Advisory Committee; to place certain responsibilities for hazardous waste management upon the Board of Health, generators of waste, transporters, and persons operating disposal treatment and/or disposal sites; to require permits to transport and operate treatment and/or disposal sites for hazardous wastes; to require reporting of wastes generated by the generator as such; to require the use of a manifest; to provide for penalties and remedies; to provide for administration and enforcement; to declare violations to be a public nuisance per se; to allow appeal; to establish the Hazardous Wastes Management Fund and make appropriations therefrom; and to appropriate funds to initiate the program.

Mr. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 873. To amend the provisions of the excise tax on financial institutions, codified in Chapter 18 of Title 51, Alabama Code of 1940 (Recomp. 1958), Section 425, et seq., Act No. 194, Sections 346.1 - 346.6, 1935 General Acts of Alabama, pages 428-434, to provide that bank holding companies, as defined by federal law, and certain subsidiaries and affiliates of such bank holding companies, are subject to the excise tax, that they may file consolidated returns of the tax, that they are exempt from income tax, and that the Department of Revenue shall provide rules for disbursement of the tax.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 784. To regulate the practice of soil classification; to provide for the registration of qualified persons as professional soil classifiers; to create a state board of registration of soil classifiers; to provide for the appointment and compensation of its members; to fix the terms of the members of the board and to define the powers and duties of the board; to provide the minimum qualifications and other requirements for registration; to establish fees with expiration and renewal requirements; to provide that certain persons shall be exempt from the provisions of this act; and to provide for the enforcement of this act and prescribe criminal penalties for its violations.

H. 900. To amend Section 71 of Title 3, Code of Alabama 1940 relating to the amount charged for the care of a lost animal, so as to increase such amount.

Mr. Carter, Chairman of the Standing Committee on Conservation, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 684. To amend Sections 39, 40 and 41 of Title 8, Code of Alabama of 1940, by providing for certain increases in non-resident fishing license fees; establishing an issuance fee for non-resident licenses; providing for the distribution of the revenue obtained by such increase, and provides for the deletion of any reference as to race from the application for said licenses.

H. 650. To amend Act No. 751, Acts of Alabama, 1965 Regular Session, relating to the cost of purchasing non-resident hunting licenses, exempting non-residents under the age of sixteen (16) from having to purchase hunting licenses.

H. 911. To provide that the unauthorized sale of deer meat in this state shall be a public offense, and prescribing punishment therefor.

H. 472. Providing for a cast net fishing license for non-residents and license fee; and providing penalties.

Mr. Smith (J), Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 46. To propose and provide for the submission of an amendment to the Constitution of Alabama which revises the entire Constitution of Alabama of 1901, as amended, with the exception of Article VI which has heretofore been adopted.

The above bill was read a second time at length as required by the Constitution.

H. 665. To further regulate voter registration; to provide for the suspension of the voter's registration and rights when a registered voter fails to vote in at least one election for which he was eligible, held during the preceding four (4) years; and to provide for the re-identification procedure for such person.

H. 244. To amend Article 5, Section 103 and Article 6, Section 118, Act No. 1205, S. 400, Regular Session 1975 (Acts of 1975, p. 2384), the "Judicial Article Implementation Act"; so as to provide that the juvenile judges and judges of all cases involving domestic relations, divorce, annulments of marriage, custody and support of children, granting and enforcement of alimony, proceedings under the Reciprocal Non-Support Act and all other domestic and marital matters over which the circuit court has jurisdiction as well as all cases arising under the laws pertaining to juvenile and non-support cases in the county or district as provided in Title 34 of the 1940 Code of Alabama, may be either district judges or circuit judges by assignment or designation without regard to size of circuits or number of district judges in a county or district.

Mr. Smith (J), Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted

REGULAR SESSION  
12th Day

695

on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 171. (With Substitute) (With Amendments): Relating to voter registration; to provide for a board of registrars, their duties, terms and compensation; to provide for the registration of electors; to provide for clerical help and office supplies for registrars; to provide for compilation and maintenance of voting records by the board of registrars; to provide for meetings and times and places of registration by the board; to provide for the attendance by at least one registrar at the courthouse on each regular working day except when the full board is in session; to provided for purging of voter lists; to provide for susoension of registration for failure to vote; to require boards of registrars to administer absentee voting; to provide penalties for certain violations; and to repeal Code of Alabama, Title 17, Sections 12 through 55 inclusive, Act No. 585, H. 216, 1949 Regular Session, Act No. 531, S. 101, 1947 Regular Session, Act No. 577, H. 66, 1959 Regular Session, Act No. 253, H. 11, 1964 Special Session, Act No. 346, H. 250, 1945 Regular Session, Act No. 6, H. 18, 1950 Special Session, Act No. 92, H. 169, 1961 Regular Session, Act No. 482, H. 71, 1947 Regular Session, Act No. 266, S. 122, 1949 Regular Session, Act No. 529, H. 283, 1957 Regular Session, Act No. 829 S. 98, 1965 Regular Session, and Act No. 750, H. 247, 1951 Regular Session.

Mr. Cross, Chairman of the Standing Committee on Commerce and Transportation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 929. (With Amendment): To provide for the licensing of certified public weighers by the Commissioner of Agriculture and Industries; to provide for the posting of a surety bond and for the liability of certified public weighers under certain conditions; to provide penalties for violations of the provisions of this act; and to repeal Title 2, Section 621 through Section 633, Code of Alabama 1940.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 733. Proposing an amendment to the constitution of Alabama pertaining to the issuance of revenue bonds and other revenue securities by municipalities.

The above bill was read a second time at length as required by the Constitution.

H. 766. To require that any project approved as an undertaking to be acquired by any industrial development board incorporated under Act No. 648 of the 1949 Regular Session of the Legislature, as amended and supplemented (1975 Code Title 11, Chapter 54, Section 80, et seq.) may be disapproved within a limited time by the governing body of the municipality whose consent for the incorporation of such board is required if such project is located within the corporate limits of such municipality.

H. 846. Relating to crimes and offenses; to provide for the crime of impersonating a peace officer; and to provide penalties for violations.

JOURNAL OF THE HOUSE, 1977  
12th Day

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 662. To amend Section 1 of Act No. 106, H. 173, 1967, Special Session (Acts of 1967, vol. 1, p. 138) relating to the employment of a stenographic secretary for the District Attorney of the 18th Judicial Circuit of Alabama so as to increase the salary of said secretary at the discretion of the Shelby County Commission or other governing body of said county of not less than \$6,000.00 per annum.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 691. (With Amendment): Relating to Shelby County; and providing for pay and mileage for all jurors in Shelby County.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 761. To amend Act No. 64, H. 92, 1975 Third Special Session (Acts 1975, p. 291) entitled "An Act Relating to counties having populations of not less than 16,600 nor more than 16,950 according to the most recent federal decennial census, providing expense allowances for the Circuit Court Register in such counties," so as to change the expense allowance to a salary supplement.

H. 770. To authorize and provide for maintenance by the State Highway Department of all roads and drives whether located on state-owned rights of way or not, which serve cemeteries, churches, mail routes, bus routes or occupied residences in any county having a population of not less than 50,000 nor more than 52,500, according to the 1970 or any subsequent federal decennial census.

H. 779. Relating to counties having a population of not less than 60,000 nor more than 65,000 inhabitants according to the 1970 or any subsequent federal decennial census; regulating the compensation of members of the county board of education.

H. 783. To provide that all real estate shall be assessed for ad valorem tax purposes according to its value in actual use and not according to any speculative or potential use in all counties having populations of not less than 56,500 nor more than 59,000 inhabitants according to the 1970 or any subsequent federal decennial census.

H. 793. To repeal Act No. 137, H. 563, 1971 Regular Session (Acts of 1971, p. 415), as amended; to require the county superintendent of education of Marengo County to be the recipient of a master's degree in school administration; to authorize and empower the Marengo County Board of Education to employ a county superintendent of education for a term of up to four years and to set the salary, expense allowance, required standards and other qualifications for the position.

H. 830. Relating to all counties having a population of not less than 90,000 nor more than 100,000 according to the 1970 or any subse-

REGULAR SESSION  
12th Day

697

quent federal decennial census; to further amend Section 4 of Act No. 809, H. 1274, 1965 Regular Session (Acts of 1965, p. 1511), as amended, relating to the administrative consultant to the circuit clerk so as to increase the annual salary of the person holding office as an administrative consultant to the circuit clerk of such counties.

H. 838. To amend Section 10 of Act No. 1006, H. 1912 of the 1975 Regular Session of the Legislature (Acts 1975, Vol. III, p. 2033) pertaining to additional unlawful acts in counties having populations of not less than 23,800 nor more than 23,925 according to the most recent federal decennial census, in regard to the sale of table wine, so as to make the unlawful acts in said counties conform to the general law of Alabama governing the sale of alcoholic beverages.

H. 845. Relating to counties having populations of not less than 10,660 nor more than 10,900 inhabitants according to the 1970 or any subsequent federal decennial census; providing further for the regular meeting date of the county commission in any such county.

H. 891. Proposing an amendment to the constitution of Alabama relating to placing the probate judge, the tax assessor, and tax collector of Jackson County on a salary basis of compensation.

The above bill was read a second time at length as required by the Constitution.

H. 892. To change the method of compensating the probate judge, the tax assessor and the tax collector of Jackson County, placing said officials on a salary basis; to provide that the fees, commissions and allowances provided such officials under the general law shall be paid into the county treasury.

H. 910. Proposing an amendment to the State Constitution, relative to placing certain limits on the ad valorem tax rates in Jackson County.

The above bill was read a second time at length as required by the Constitution.

H. 912. To further amend the Title and Section 1 of Act No. 1740, H. 2581, Regular Session 1971 (Acts 1971, p. 2906), as amended, relating to expense allowances for certain officials in counties having a population of not less than 36,500 nor more than 39,200, so as to change the words "judges of county inferior courts" to the word "magistrate"; to make such allowances mandatory; and to give this act retroactive effect.

H. 916. Relating to all counties having a population of not less than 56,500 nor more than 59,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide an additional expense allowance for members of the county commission.

H. 927. Relating to all counties having populations of not less than 56,500 nor more than 59,000 inhabitants according to the 1970 or any subsequent federal decennial census; increasing the assessment rate of taxation on Class I property in such counties, which includes all property of utilities used in the business of such utilities.

H. 928. Proposing an amendment to further amend Article XI, Section 217, subsection (b), of the Constitution of Alabama 1901 relative to ad valorem taxation; providing for the decrease of the assessment rate of taxation on Class III property, all agricultural, forest and residential property in Houston County.

The above bill was read a second time at length as required by the Constitution.

Mr. McNair, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 501. (With Substitute): Relating to counties having populations of not less than 600,000 inhabitants; to authorize and provide for additional funds, if required, from the general funds of the county and each municipality located therein for the maintenance and operation of the County Department of Health, including, but not limited to, the employment of personnel, the acquisition of land, the erection, construction, extension, renewal, and repair of buildings or improvements thereon, which are related to or required by the prescribed duties of the County Health Officer; to repeal all conflicting statutes.

H. 502. (With Substitute): Relating to counties having populations of not less than 600,000 inhabitants according to the most recent federal census; to provide for funding for transit authorities in such counties by the county and certain municipalities in such counties; to repeal all conflicting statutes.

Mr. McNair, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 443. To further amend Section 2 of Act No. 217 of the 1966 Special Session of the Legislature of Alabama, approved August 30, 1966 (Acts of Alabama, 1966 Special Session, page 280, et seq.) entitled "An Act to provide a separate retirement and relief system for certain of the presently active employees of the City of Birmingham who entered the service of the fire department of said city prior to September 19, 1939, and to whom is applicable the pension and relief system provided by Act No. 307 of the 1943 Regular Session of the Legislature of Alabama, as amended, and Act Number 22 of the Second Special Session of the Legislature of Alabama of 1956, to include in said separate system dependents of said presently active employees; and to render said Act No. 307 and Act Number 22 inapplicable to said certain presently active employees and their dependents".

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 785. To provide for the night hunting and taking of raccoons and opossums with the use of a light and/or shotgun using shot no larger than number eight, or with a 22-caliber rimfire rifle using 22-caliber-short ammunition in all counties having a population of not less than 52,500 nor more than 54,000 inhabitants according to the 1970 or any subsequent federal decennial census.

H. 852. Relating to Baldwin County, to provide for the creation, incorporation, organization, operation, administration, and financing of one or more local public service districts within the county as public corporations so as to provide local fire fighting and prevention services; to provide for the fixing, levy and collection by such fire districts of rates, fees and charges for such services; to provide penalties for non-payment and liens upon the property within such districts; to provide for the borrowing of money and issuance of bonds and other obligations



by or on behalf of such fire districts; providing that the qualified electors of any prospective fire district shall give their prior approval to the creation of any such district as well as the rates, fees, charges, bond or other indebtedness thereto in an election thereon; to provide an election procedure for such voter approval; to prescribe the organization, rights, powers and duties of such districts; to prescribe limitations on such rights and powers, and to repeal conflicting laws.

H. 853. To propose an amendment to the Constitution of Alabama which, if approved by the electors of this state, would authorize the Legislature, by general or local law, to provide for the creation, incorporation, organization, operation, administration and financing of one or more local districts within Baldwin County as public corporations to provide fire fighting and prevention services; to provide for the fixing, levy and collection by such fire districts of rates, fees and charges for such services, penalties for non-payment and liens upon the property within such district; to provide for the borrowing of money and the issuance of bonds and other obligations by or on behalf of such districts; providing also that the qualified electors of any prospective fire district created by any law authorized by this proposed amendment shall give their prior approval to the creation of any such district or additions thereto and the rates, fees, charges, bond issue or other financing agreements thereto in an election thereon.

The above bill was read a second time at length as required by the Constitution.

H. 930. Relating to all counties having a population of not less than 95,000 nor more than 115,000 according to the 1970 or any subsequent federal decennial census; to reimburse the office of license commissioner for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a maximum of twenty-five hundred dollars per annum.

H. 894. Providing for a Board of Equalization and Adjustment of each county having a population of not less than 75,000, nor more than 90,000 according to the last or any subsequent federal decennial census, providing for abolishing the existing County Board of Equalization and transferring its duties to the Board of Equalization and Adjustment, further regulating the appointment and removal of the members of the Board, the terms of service, the compensation, the expense allowance of the members of the Board; making further provision in regard to office space, office fixtures and supplies of the Board, and providing for the employment of clerks and other employees of the Board; providing for the severability of the provisions of the Act and for its effective date.

### INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. McCorquodale:

H. 932. To provide that the clerk of the court collecting solicitor's or district attorney's fees in the first judicial circuit shall place such fees into a Judges' and District Attorney's Fund; to provide that all monies in any solicitor's or district attorney's fund in the circuit shall be paid immediately into the Judges' and District Attorney's Fund; and to authorize certain expenditures from such fund.

By Mr. McCorquodale:

H. 933. Relating to the first judicial circuit of Alabama; providing for separation of the jury by consent in the circuit courts of the counties composing such circuit.

Local Legislation No. 1.

By Mr. Crowe:

H. 934. To amend Section 2 of Act No. 752, H. 1059, 1973 Regular Session [Acts of 1973, p. 1125; now appearing in Code of Alabama, Re-compiled 1958, Title 55, Section 316(7)] entitled, "An Act To regulate annual leave and sick leave of state merit system employees, to provide for partial payment of accrued and unused sick leave at the time of retirement of such employees," so as to further regulate the payment of accrued and unused sick leave at time of retirement and giving this Act partial retroactive effect."

Ways and Means.

By Mr. Crowe:

H. 935. To amend Act No. 951, Acts of Alabama, Regular Session, 1975, to provide that a non-resident contractor shall satisfy the Highway Department that it has paid all taxes due and payable to the State of Alabama or any political subdivision thereof prior to receiving final payment for contract work.

State Administration.

By Mr. Crowe:

H. 936. To validate retroactively to March 24, 1965, the incorporation of public corporations attempted to be organized pursuant to Act No. 107, S. 2 of the 1965 First Special Session of the Legislature of Alabama (Acts 1965, Special Session, p. 132), as amended, and amendments to the certificate of incorporation of such corporations.

State Administration.

By Mr. Crowe:

H. 937. To limit the contract liability of construction companies and contractors in the construction industry for certain accidental deaths, injuries, losses and damages which they did not cause and for which they are not in fact responsible; and to provide that the provisions of this act shall not apply to any contract existing on the effective date of this act nor shall this act at any time apply to or effect the validity of any insurance contract, workmen's compensation or agreement issued by an insurer duly licensed to do business in Alabama.

Judiciary.

By Messrs. Crowe and Sparks:

H. 938. Relating to any county having a population of not less than 16,600 nor more than 16,950 according to the 1970 or any subsequent federal decennial census; providing an expense allowance for the sheriff in any such county.

Local Legislation No. 1.

By Mr. Crowe:

H. 939. To provide that full-time employees of the American Federation of Teachers may elect to become members of the Teacher's Retirement System of Alabama; also to provide that said Federation and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

State Administration.

By Messrs. Brindley and Jolly (With Notice and Proof):

H. 940. Relating to Blount County; to make it unlawful for any person to attempt to locate deer by shining any type of lighting device across fields, pastures and roadsides; prescribing penalties.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 940, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Biddle, Waggoner, Moore (O), Boles, White, Jolly, Hall and Armstrong:

H. 941. To prohibit any municipality subject to the provisions of a civil service law or merit system within any county of the State of Alabama having a population of 500,000 or more inhabitants according to the last or any subsequent federal decennial census requiring any applicant for employment as an officer or employee of such municipality, or any officer or employee now or hereafter employed, to be a resident of such municipality; to prohibit the application of points, credits, or other benefits on behalf of residents so as to give residents of any such municipality an advantage over nonresidents, either in the employment, promotion, demotion, or discharge of employees.

Local Legislation No. 2.

By Messrs. Starkey, Killian and Lutz:

H. 942. Relating to all counties having a population of not less than 38,100 nor more than 40,500 according to the 1970 or any subsequent federal decennial census; to authorize the expenditure of funds not otherwise obligated of such county hospital boards by said board for the purpose of constructing, equipping, acquiring, maintaining, leasing, selling or otherwise disposing of office buildings and the real estate on which same may be situated to physicians who will engage in the practice of medicine in such county; and to further authorize such county hospital boards to borrow money, mortgage property, and do any and all other things necessary and proper to secure funds with which to acquire, construct, equip and maintain said real estate and/or office buildings.

Local Legislation No. 1.

By Messrs. McCluskey, Shoemaker and Dial:

H. 943. To amend Section 2 of Act No. 793, 1975 Regular Session (Acts of 1975, p. 1596), entitled: "An Act Relating to all counties having populations of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census; to provide for an additional secretarial assistant for the office of the district attorney and for the offices of circuit judge of the judicial circuit in which such county lies;" so as to increase the compensation of the secretarial assistant for the office of the district attorney and for the offices of circuit judge of the judicial circuit in which such county lies.

Ways and Means.

By Mr. McCluskey:

H. 944. To provide further for the selection of textbooks and instructional materials for use in the public schools in any county having

a population of not less than 10,660 nor more than 10,900 according to the 1970 or any subsequent federal decennial census.

Local Legislation No. 1.

By Mr. McCluskey:

H. 945. Relating to all counties having populations of not less than 65,000 nor more than 68,000 inhabitants according to the 1970 or any subsequent federal decennial census; to amend Section 1 of Act No. 1252, 1973 Regular Session (Acts of 1973, p. 2099), entitled "An Act Relating to all counties having populations of not less than 65,000 nor more than 68,000; providing further for the salaries of bailiffs appointed by any circuit judge of the judicial circuit in which such county lies;" so as to increase the compensation of bailiffs appointed by any circuit judge of the judicial circuit in which such county lies.

Ways and Means.

By Mr. McCluskey:

H. 946. Relating to counties having populations of not less than 10,660 nor more than 10,900, according to the 1970 or any subsequent federal decennial census; allowing the county governing bodies of such counties to prepare certain building sites and to build and maintain access roads provided any such access road joins a county or state road or highway.

Local Legislation No. 1.

By Mr. Gafford:

H. 947. To amend Paragraph 12 of Section 10-105, Act No. 549, Acts of Alabama, 1965 Regular Session of the Alabama Legislature (Title 51, §619, Code of Alabama) so as to provide an alternative procedure for the recording of instruments on which there may be future indebtedness by any owner which is a bank or savings and loan association organized and established under the laws of the State of Alabama and the United States.

Banking.

By Mr. Gafford:

H. 948. Relating to counties with populations of not less than 600,000; to authorize and direct the establishment of a permanent list of absentee voters for physically incapacitated electors.

Local Legislation No. 2.

By Mr. Gafford:

H. 949. Relating to counties having populations of not less than 600,000; to provide that no person shall be registered as an elector within 21 days prior to an election.

Local Legislation No. 2.

By Mr. Gafford (With Notice and Proof):

H. 950. To provide that when a vacancy occurs on the governing body of Jefferson County, the Election Commission of Jefferson County shall adopt a resolution providing for a special election, with a run-off election, if necessary, to fill such vacancy; to provide how a person shall become a candidate for the office to be filled; to provide that any person elected to fill a vacancy hereunder shall serve the unexpired term which the person occupying said office when the vacancy occurred would have served if the vacancy had not occurred; to provide that the general laws of the State governing elections shall apply to any election

held under the Act, except as the Act otherwise provides; to provide that no person shall be appointed to fill such vacancy; and to repeal Section 145, Title 62, Code of Alabama of 1940, and any other laws or parts of laws in conflict with the Act.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 950, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Falkenburg:

H. 951. To exempt Sertoma International Center for Communicative Disorders of Alabama from the payment of state, county or municipal sales or use taxes.

Ways and Means.

By Mr. Falkenburg:

H. 952. To exempt Sertoma Foundation from the payment of state, county or municipal sales or use taxes.

Ways and Means.

By Messrs. Falkenburg and Waggoner:

H. 953. To further amend Sections 5, 10, 12, 15, 16, 18 and 22 of an Act designated as Act No. 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of the Legislature of Alabama of 1945, pp. 376-400) as heretofore amended relating to creating and establishing in counties having a population of 400,000 or more according to the last or any future Federal census, a countywide civil service system.

Local Legislation No. 2.

By Mr. McCulley:

H. 954. Providing immunity from any civil damages for doctors who, pursuant to state law, give immunization shots to children prior to their entry into any kindergarten or public or private school in Alabama.

Health.

By Mr. Cross (With Notice and Proof):

H. 955. Relating to Lawrence County, providing that certain county prisoners and state prisoners who are housed in county or city jails of Lawrence County may be used on a voluntary basis in the building, repairing and maintenance of public roads, buildings and other public properties; providing for the commutation of sentence of certain state and county convicts who participate in such public work projects and providing for an appropriation from the state general fund in order to effectuate the provisions of this act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 955, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Cross (With Notice and Proof):

H. 956. Granting the county commission of Lawrence County the authority to pay certain expenses incurred by the Probate Judge of Lawrence County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 956, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Drake and Goodwin:

H. 957. To regulate further the taking of leave or vacation time of certain employees of the school systems of the State.

Education.

By Mr. McNees:

H. 958. Relating to counties having a population of not less than 16,245 nor more than 16,300 according to the 1970 or any subsequent federal decennial census; to create a county industrial development authority for the purpose of promoting industry and trade and the development of the county; to provide for the organization, powers, functions, duties and personnel of the authority and for the compensation of its employees; and to repeal conflicting laws.

Local Legislation No. 1.

By Messrs. Smith (M) and Turnham:

H. 959. Relating to all counties having populations of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census, to authorize and provide for an additional expense allowance for the sheriff of any such county.

Local Legislation No. 1.

By Messrs. Hill and Greer:

H. 960. To repeal Section 8 of Act No. 1695, H. 2263, 1971 Regular Session (Acts of 1971, p. 2852), entitled, "An Act Relating to all counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent or any subsequent federal decennial census, to create a Civil Service Board in said counties to assure the more efficient operation of the Sheriff's Department; to provide for the composition powers, duties, and compensation for such boards; and to establish certain employee management policies for the Sheriff's Department in said counties."

Local Legislation No. 1.

By Mr. Baker:

H. 961. To amend Section 1 of Act No. 576, H. 235, 1963 Regular Session (Acts of 1963, p. 1250, now appearing in Code of Alabama, Re-compiled 1958, Title 36, Section 75 (17) entitled "An Act To provide for the issuance of special motor Vehicle license tags or plates to certain disabled veterans; prescribing penalties for misuse of such tags or plates" to include veterans whose disability exceeds 50% and to increase the cost of such tags from one dollar to three dollars.

Ways and Means.

REGULAR SESSION  
12th Day

705

By Messrs. Baker, Crawford, Sasser, Carothers, Williams, Whatley, Smith (M), Turnham and Smith (J):

H. 962. To make an appropriation to the Alabama Historic Chattahoochee Commission to be used by Barbour, Chambers, Dale, Henry, Houston, Lee and Russell counties for the purpose of purchasing and preserving historical structures.

Ways and Means.

By Messrs. Pegues, Shoemaker, Carothers, Whatley, Baker, McNair, Martin, Sasser, Brindley and Shelton:

H. 963. This Act will levy a Security Transfer tax of 1/10 of 1% of the market value on all securities purchased through Alabama Brokers or Dealers in Securities, and where no broker or dealer is involved the seller or transferrer shall make such report and remit the tax due, and provides for the distribution of the tax.

Ways and Means.

By Messrs. Pegues, Shoemaker, Carothers, Whatley, Smith (M), Baker, McNair, Martin, Sasser, Brindley and Shelton:

H. 964. To amend Title 51, Section 348 A, Title 51 of the Code of Alabama 1940 expanding the provisions of the foreign corporation franchise tax and to increase the foreign corporation franchise tax.

Ways and Means.

By Messrs. Pegues, Shoemaker, Carothers, Whatley, Baker, McNair, Martin, Sasser, Brindley and Shelton:

H. 965. To amend Title 51, Sections 347 and 350, Code of Alabama 1940, as amended increasing the Domestic Franchise Tax and providing further for the distribution of such funds.

Ways and Means.

By Messrs. Dial and McCluskey:

H. 966. To redivide the state into judicial circuits so as to create a Thirty-Ninth Judicial Circuit consisting of Clay and Coosa Counties and to create a new district attorney's position.

Ways and Means.

By Mr. Waggoner:

H. 967. To authorize and make provisions for the incorporation in any municipality in the State of one or more non-profit public corporations for the purpose of acquiring, owning, enlarging, equipping or furnishing one or more projects consisting of land, buildings and facilities for lease to and use by one or more regional, national or international association or organization, one or more of the purposes or objects of which shall consist of one or more of the following: the promotion of patriotism of good citizenship, the development of civic pride or consciousness, the improvement of trade, business, professional or economic conditions, or the promotion of health, safety, conservation, community beautification, or community welfare and the membership of which regional, national or international association or organization shall include (1) persons, firms or corporations residing or domiciled in not less than twelve of the states of the United States, including at least two such members residing or domiciled in the State of Alabama, or (2) local organizations or clubs with like objects or purposes situated in not less than twelve of the states of the United States, including at least two such organizations or clubs situated in the State of Alabama; to provide the method of effecting the incorporation of such a corpora-

tion and electing the members of its board of directors; to provide for amendments to the certificate of incorporation of such corporations; to provide for officers of such corporation; to specify the powers of the board of directors of such corporation and the powers of such corporation; to authorize the issuance by such corporation of securities and the mortgage and pledge of its properties and revenues as security therefor; to authorize the refunding of any such securities; to provide that securities of such corporation shall be negotiable instruments; to exempt from taxation all such securities, the income therefrom, any instrument executed as security therefor, any deeds conveying property to such corporation, all lease agreements made by such corporation and all revenues derived from such leases, and the income and properties of such corporation; to provide for the dissolution of such corporation; to exempt such corporations from the laws of this State governing usury or limiting interest rates and competitive bidding; to authorize any municipality in which such corporation may be organized to transfer and to convey to such corporation, with or without consideration and on such terms and conditions as the governing body of such municipality may determine, any property, real or personal, then owned by such municipality, including any project or projects or parts thereof.

Ways and Means.

By Messrs. Crawford and Sasser:

H. 968. To fix and regulate the payment of the compensation and expenses of members of the county board of education of every county which has a population of not less than 13,200 nor more than 13,400.

Local Legislation No. 1.

By Messrs. Crawford and Sasser:

H. 969. Relating to counties having a population of not less than 13,200 nor more than 13,400 according to the most recent federal decennial census; fixing the compensation of the superintendent of education in such counties.

Local Legislation No. 1.

By Mr. Trammell:

H. 970. To provide that the salary of teachers shall be adjusted according to the consumer price index; and to appropriate funds therefor.

Ways and Means.

By Messrs. Folmar and Wyatt:

H. 971. To revise the Merit System of the State of Alabama so as to create a more efficient supervision and regulation of state employment and to better protect the public and public employees from improper political interference with the operation of state government by amending and/or supplementing Title 55, Chapter 9, Code of Alabama 1940 (Recomp. 1958) as follows:

Ways and Means.

By Mr. Folmar:

H. 972. Relating to the office of supernumerary sheriff in any county having a population of not less than 24,900 nor more than 25,150 according to the 1970 or any subsequent federal decennial census; repealing Act No. 184, S. 89, 1975 Third Special Session (Acts of 1975, p. 457).

Local Legislation No. 1.



REGULAR SESSION  
12th Day

707

By Mr. Folmar:

H. 973. Relating to the office of supernumerary county commissioner in any county having a population of not less than 24,900 nor more than 25,150 according to the 1970 or any subsequent federal decennial census, to repeal Act No. 443, S. 529, 1973 Regular Session (Acts of 1973, p. 634); Act No. 451, S. 659, 1973 Regular Session (Acts of 1973, p. 638); Act No. 30, H. 13, 1975 First Special Session (Acts of 1975, p. 80) and Act No. 375, H. 972, 1975 Regular Session (Acts of 1975, p. 925).

Local Legislation No. 1.

By Mr. Turnham:

H. 974. To require the State Building Commission to adopt, promulgate and enforce a state building code which contains energy conservation measures; to provide that said code is to be used in all future construction or remodeling of buildings which are constructed with state appropriated funds and to appropriate monies from the state general fund and the special educational trust fund for the development of said code.

Ways and Means.

By Messrs. Folmar and Falkenburg:

H. 975. To fix the annual compensation of the chief justice of the supreme court, associate justices of the supreme court and judges of the courts of appeal.

Ways and Means.

By Mr. Holley (With Notice and Proof):

H. 976. Relating to Coffee County; to further implement Section 9 of Act No. 160, 1971, and provide the Coffee County Commission the authority to employ appraisers, mappers, and clerical personnel to maintain current evaluation of all real property and valuation of personal property.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 976, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK .

By Mr. Holley (With Notice and Proof):

H. 977. To regulate further the payment of expense allowances to the members of the Coffee County Commission; and to give this act retroactive effect.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 977, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Glass, Kelley, Brindley, Killian, Starkey, Quarles, Callahan, McCulley, Robertson, Crawford, Harris, Carothers and White:

H. 978. To authorize the State Department of Education to contract with Management Services Associates, Inc., of Austin, Texas, to conduct an independent study of services to the blind in Alabama; and to make a supplemental appropriation, in an amount not to exceed

\$30,000.00 out of the Alabama Special Education Trust Fund to cover the cost of such study, to the State Department of Education for the current fiscal year.

Ways and Means.

By Mr. Glass:

H. 979. To provide that procedural and substantive rights be accorded law enforcement officers of all counties having populations of not less than 300,000 nor more than 600,000 according to the 1970 or any subsequent federal decennial census; defining the right to counsel secured by the Sixth Amendment of the United States Constitution and procedural due process rights of hearings conducted to determine alleged misconduct of any officer; providing for access to records pertaining to fitness for duty and amendment of records pertaining to fitness for duty; providing for the processing of grievances and complaints against law enforcement officers; and providing that any law enforcement officer may bring a civil action for damages suffered while on official duty in all counties having populations of not less than 300,000 nor more than 600,000 according to the 1970 or any subsequent federal decennial census.

Local Legislation No. 3.

By Messrs. Lockett, Campbell, Biddle and Pegues:

H. 980. To amend Sections 1, 2 and 3 of Act No. 2309, S. 804, 1971 Regular Session (Acts of 1971, p. 3731) relating to illegal deer hunting, so as to provide for the confiscation, forfeiture, and disposal of all equipment used in committing said offense.

Conservation.

By Messrs. Clark, Lutz and Armstrong:

H. 981. To amend Act No. 704, H. 475 of the Regular Session of 1951, commonly known as the Motor Vehicle Safety-Responsibility Act, so as to increase the security required therein.

Judiciary.

By Messrs. Clark, Lee, Robertson, Pegues and Campbell:

H. 982. To exempt all rural water authorities, whether public or private, from the gross sales or gross receipts utility tax imposed under the provisions of Act No. 21, H. 28 of the 1969 Special Session (Acts 1969, Vol. I, p. 46), as amended, and now appearing in Code of Alabama, Recompiled 1958, Title 51, Sections 188(1) through 188(9).

Ways and Means.

By Mr. Clark:

H. 983. To amend Section 2 of Act No. 1287, H. 1740 of the 1971 Regular Session (Acts 1971, Vol. III, p. 2215), which Act regulates the sale of alcoholic beverages in counties having populations of not less than 115,000 nor more than 150,000 inhabitants according to the 1970 or any subsequent federal decennial census, so as to permit the sale of alcoholic beverages outside the corporate limits or police jurisdiction of an incorporated municipality.

Local Legislation No. 1.

By Mr. Campbell (With Notice and Proof):

H. 984. Relating to Sumter County; regulating further the compensation, expense allowances and supplements of circuit judges and district judges who are covered by Act No. 1205 of the 1975 Regular

REGULAR SESSION  
12th Day

709

Session and Amendment No. 328 to the Constitution of Alabama, so as to eliminate county supplements for such judges effective January 16, 1977; and repealing conflicting laws.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 984, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Folmar (With Notice and Proof):

H. 985. To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama; providing for the repeal of all laws or parts of laws in conflict herewith; and prescribing the time when this act shall become effective.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 985, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Greer:

H. 986. To provide that any local city or county board of education be allowed to shorten the minimum number of school days for the 1976-1977 school year only up to a maximum of five days because schools were closed due to sickness, ice, snow, inclement weather or gas shortage, to provide that no school shall lose any funds and no teachers or employees shall lose any pay because of availing itself of the provisions of this Act.

State Administration.

By Mr. Turnham:

H. 987. To allow county governments, municipal governments or consortium thereof to create Resource Recovery Boards and prescribe their powers, functions and duties.

State Administration.

By Mr. Turnham:

H. 988. To provide for a consolidation of the Alabama Energy Advisory Council and the Alabama Energy Management Board into one permanent state agency to be called the Alabama Energy Management Agency; to provide for definitions; to create a legislative energy commission and to prescribe its duties; to provide for a director of the Energy Management Agency and his duties and powers; to provide for the promulgation of rules and regulations by the director to establish certain energy use standards; to provide for certain penalties for the enforcement of certain rules and regulations; and to make certain appropriations from the general fund.

Ways and Means.

By Messrs. Sonnier, Callahan and Sandusky:

H. 989. To create and establish the Yacht Club Association of Alabama; to provide for its organization, powers and duties with respect to member clubs; to provide qualifications for admission of such member clubs to the state association; to provide a State Board of Commodores which shall govern the association and to prescribe their powers

and duties; and to provide for the construction of an ocean racing sailing vessel to represent all of the state's yacht clubs, the people of Alabama, and the State of Alabama.

State Administration.

By Messrs. Sonnier, Kennedy and Sandusky:

H. 990. The State Superintendent of Education is required to establish a pilot program in Mobile County which will assure that students have proficiency in reading, computing and problem solving sufficient to enable them to function competently in adult society. The pilot program shall test all students prior to graduation and shall provide remedial instruction in, "survival skills" for students who failed to attain a pre-determined level of mastery on the test; such remediation to be successfully passed before the student shall be graduated from school. Tests shall be first administered not later than the 1978-79 school year; and the "survival skills" remediation shall be taught not later than the Fall of 1979. Not later than the graduating class of 1981, no student shall be graduated or receive a diploma who has not successfully passed the test and the "survival skills" remediation.

Ways and Means.

By Messrs. Carothers, Crawford and Smith (J):

H. 991. To provide further for the election of a County Board of Education and a County Superintendent of Education for all counties having populations of not less than 56,500 nor more than 59,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Local Legislation No. 1.

By Mr. Carothers:

H. 992. To provide for the purchase of motor vehicle license tags at various times throughout the calendar year; to provide that the state department of revenue shall have broad rule-making power to carry out the provisions of this Act; and to repeal all statutes which conflict with the provisions of this Act or any rule or regulation promulgated by the revenue department under the provisions of this Act.

Ways and Means.

By Mr. Carothers:

H. 993. To amend Title 33, Section 37, Code of Alabama 1940, which declares and sets forth the Mechanics and Materialman's lien, so as to include Land Surveying and Engineering Services under the provisions of this lien statute.

Commerce and Transportation.

By Mr. Venable:

H. 994. To create a Division of Telecommunications within the Finance Department, to prescribe its powers, duties, and authority, to authorize the employment of a director of such divisions and additional employees and to provide for their compensation, to create an advisory committee and its composition, and to make appropriation.

Ways and Means.

By Messrs. Venable, Barron, Harris, Plaster, Lewis and Wyatt:

H. 995. To appropriate the sum of five hundred thousand dollars (\$500,000) for the construction at Fort Toulouse of a combination archaeological laboratory and interpretive center building.

Ways and Means.

By Mr. Venable:

H. 996. To appropriate funds annually from the Alabama Special Educational Trust Fund to provide \$125 assistance with hospital-medical insurance for persons who are retired under the provisions of the Alabama Teachers' Retirement System.

Ways and Means.

By Messrs. Venable and Plaster (With Notice and Proof):

H. 997. To amend further Section 2 of Act No. 47, H. 100, Special Session 1962 (Acts 1962, p. 63), entitled "An Act To change the method of compensating certain officers of Elmore County, placing such officers on a salary basis and providing for the operation of their offices on such basis," so as to authorize additional clerical help for certain officers.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 997, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Venable, Plaster and Smith (C):

H. 998. To fix the compensation for bailiffs or courts in the Nineteenth Judicial Circuit and to provide for payment thereof by that county in which such bailiff serves.

Local Legislation No. 1.

By Mrs. Quarles:

H. 999. To make an appropriation from the general fund for the relief of Mrs. Patsy P. Owen.

Ways and Means.

By Mrs. Quarles:

H. 1000. To establish a pilot program of multipurpose service centers to provide health, education, training, job placement, and other services for displaced homemakers; to grant certain powers and duties to the department of industrial relations; and to make an appropriation from the general fund.

Ways and Means.

By Messrs. McNair, Jackson (R), Taylor, Boles, Drake, Hall, Andrews, Howard, Johnson, Crowe, Falkenburg, Sonnier, Waggoner, Carter, Biddle, Riddick, Albright, Smith (B), Starkey, Killian, Kelley, Brindley, McCluskey, Quarles, Holley, Crawford, Pegues, Smith (C), Plaster, Lewis, Wyatt, Turnham, Moore (O), Barron, Owens, Kennedy, Callahan, Kinsey, McMillan, Hines, McCorquodale, Holmes (D), Sasser, Williams, Carothers, Roberts, Lee, Robertson, Porter, Shoemaker, Campbell, Gafford, McCulley, Naramore, Moore (W), Sparks, Reed, Edwards, Dial and Cates:

H. 1001. To prohibit the display of obscene, lewd or indecent publications or materials in places frequented by minors; to define terms; to prescribe penalties.

State Administration.

By Messrs. Merrill, Holmes (D), Shelton and Quarles:

H. 1002. To amend Sections 2, 3, 4 and 5 of Act No. 808, H. 1728, 1975 Regular Session [Acts of 1975, Vol. III, p. 1635; now appearing in

Code of Alabama 1940, Recompiled 1958, Title 13, Section 125 (271)-(27n)] relating to certain officials and their salaries within the Seventh Judicial Circuit; so as to increase the salary allowable for deputy district attorneys and to establish the position of office administrator, fix his salary and provide for the payment thereof.

Ways and Means.

By Mr. Hines:

H. 1003. Relating to counties having a population of not less than 34,875 nor more than 36,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide for the transfer of certain funds in the county road and bridge fund to the county general fund.

Local Legislation No. 1.

By Mr. Callahan:

H. 1004. To authorize the carrying of a revolver by any honorably retired law enforcement officer whose retirement was not based on any pending disciplinary or legal action.

State Administration.

By Mr. Turnham:

H. 1005. To make an additional appropriation for other expenses for use of the Office of the State Toxicologist for the fiscal year ending September 30, 1977.

Ways and Means.

By Messrs. Drake and Goodwin:

H. 1006. To levy an additional tax on the sale, storage or receipt for distribution of malt or brewed beverages; and to provide for the collection and distribution of proceeds of the tax.

Ways and Means.

By Mr. Brindley:

H. 1007. To provide for a State of Alabama scenic rivers system; to prescribe the types of rivers eligible for the system; to designate rivers or sections of rivers for immediate inclusion in the system; to provide a procedure for protecting the lands and waters in the system; to prescribe the powers and duties of the Department of Conservation and Natural Resources in connection with the administration of the system; to provide criteria for the management of the system; to prescribe the methods and standards for adding new components to the system; to provide for cooperative agreements with other agencies and to authorize the appropriation of funds; to prescribe penalties for violations and provide otherwise for the enforcement of the Act and negotiations issued thereunder.

State Administration.

By Mr. Turnham:

H. 1008. To create and establish a State department of Energy Resources for the purpose of developing and managing energy resources; to designate certain programs and activities of the department; to provide for the appointment of a director and for the duties, powers and responsibilities of such director; to provide that the department shall develop and promulgate rules for conducting energy consumption and life cycle cost analyses on certain state facilities; to prohibit any agency of government from constructing, altering or leasing any facility without the department conducting an energy consumption or a life cycle

cast analysis for the facility as designed; to create and establish an Energy Resources Advisory Council and to provide for the appointment of the members and for their duties and functions; to abolish the Alabama Energy Management Board, created by Executive Order No. 47 dated November 9, 1973, and the Alabama Energy Advisory Council, created by Executive Order No. 10 dated April 7, 1971, as amended on October 15, 1974; to provide penalties for violations of the provisions of this act; and to make an appropriation.

Ways and Means.

By Mr. Hilliard:

H. 1009. Relating to cities with populations of more than three hundred thousand; allowing said cities to grant ad valorem tax exemptions for up to fifteen years to owner-developers who build new commercial or industrial facilities on previously improved real property within the city limits of said cities; providing that such owner-developers receiving such exemptions shall, however, pay abatement property taxes assessed on not less than the highest value at which said city property was assessed at anytime within five years prior to the grant of exemptions, and to provide for the procedures to be followed in the granting of such exemptions and in the determination of the amount of such abatement property taxes.

Local Legislation No. 2.

By Mr. McNees:

H. 1010. Relating to counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the 1970 or any subsequent federal decennial census; providing for an increase in the county funds.

Local Legislation No. 1.

By Mr. McNees:

H. 1011. To further amend Section 1 of Act No. 97, H. 105, Special Session 1966 (Acts 1966, p. 132), as amended, which regulates the compensation of election officers in counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Local Legislation No. 1.

By Mr. McNees:

H. 1012. To amend further Section 1 of Act No. 66, H. 32, Special Session 1964 (Acts 1964, p. 87), as amended, which regulates the compensation of election officers in counties having a population of not less than 16,245 nor more than 16,300 inhabitants according to the 1970 or any subsequent federal decennial census.

Local Legislation No. 1.

By Messrs. Gafford, White, Falkenburg, Biddle, Waggoner, Armstrong, Moore (O), Andrews, Hopping and Boles:

H. 1013. To amend further Section 18 of Act No. 403, H. 330, 1971 Regular Session (1971 Acts, p. 689), relating to the registration and licensing of barbers and barber apprentices, so as to add Jefferson County to the list of counties to which the Act does not apply.

Local Legislation No. 2.

## RESOLUTIONS

The following resolutions were introduced:

By Mr. Manley:

H. R. 335. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when the House adjourns today it will adjourn to meet again on Tuesday, March 22, 1977 at 2:00 p.m.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 335, was adopted.

Also:

By Messrs. Campbell and Killian:

H. J. R. 336. REJECTING THE REPORT OF THE STATE JUDICIAL COMPENSATION COMMISSION FOR SALARIES AND EXPENSE ALLOWANCES FOR THE JUDICIARY SUBMITTED FEBRUARY 1, 1977.

WHEREAS, the Judicial Compensation Commission has submitted its recommendations to the Alabama Legislature for the salaries and expense allowances for the judiciary as provided by Section 6.09, subsection (d) of Act No. 1051, S. 214 of the 1973 Regular Session; and

WHEREAS, the recommendations submitted by the commission are beyond the fiscal means of the state treasury; and

WHEREAS, pensions for retired judges and their widows are in proportion to salaries granted to the judiciary, and proposed increases in retirement benefits already amount to thousands of dollars annually for each retired judge and widow; and

WHEREAS, it is demanded of this body to see that fiscal responsibility prevails and that the State of Alabama immediately cease to operate beyond its means; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do repudiate and soundly reject the report and recommendations of the State Judicial Compensation Commission for salaries and allowances for the judiciary.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to all members of the Judicial Compensation Commission.

On motion of Mr. Campbell, the rules were suspended and the resolution, H. J. R. 336, was adopted.

Also:

By Messrs. Harris, Barron, Wyatt, Lewis and Plaster:

H. J. R. 337. Be it resolved by the Alabama House of Representatives, the Senate concurring, that there be and hereby is established in Montgomery County, a Commission to be known as The Montgomery County Elected Officials Salary Commission, hereinafter called "The Commission".

The Commission shall be composed of ten (10) members with the President of the Montgomery County Bar Association being the ex officio Chairman. The other nine (9) members shall be appointed as follows:

One appointment by each member of the House of Representatives whose District is within Montgomery County, either totally or partially



**REGULAR SESSION**  
**12th Day**

715

(the Montgomery County House Delegation), and one by each Senator whose District is within Montgomery County, either totally or partially (the Montgomery County Senate Delegation), except that no elected or appointed official for Montgomery County will be appointed to the Commission. The terms of office for the members of the Commission will run from their appointment until the beginning of the next regular session of the Legislature or until a successor appointment is made by the appointing Legislator, except that the term of the ex officio Chairman shall coincide with his term as President of the Montgomery County Bar Association.

The Chairman shall preside over all meetings and shall set their time and place. The Commission shall make its own rules for the conduct of business. The initial meeting of the Commission can be called as soon as there are not less than five (5) appointments made. Members of the Commission shall serve without compensation.

The objective of the Commission will be to provide information and recommendation regarding salaries, expense allowances and any remuneration of any sort or kind of Montgomery County elected officials. The Montgomery County Legislative delegation will furnish through the Legislative reference service or otherwise background information and comparable figures from other Alabama counties and will furnish guidance to the Commission. A recommendation is requested from the Commission not less than once during each regular session of the Legislature.

On motion of Mr. Harris, the rules were suspended and the resolution, H. J. R. 337, was adopted.

Also:

By Mr. White:

**H. R. 338. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO THE SUBSTITUTE FOR H. B. 501**

**BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA,** That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following important constitutional questions which have arisen concerning the pending bill, Substitute for H. B. 501, a copy of which is attached to this resolution and made a part thereof by reference:

1. Is the law proposed by the substitute for the bill, H. B. 501, a local or a general law under Section 110 of the Constitution?

2. If the answer to question one is that the substitute for H. B. 501 proposes a local law, then will such law be invalid since notice of intention to introduce it was not published as required by Section 106 of the Constitution?

3. If your answer to question 1 above is that the substitute for the bill, H. B. 501 proposes a general bill, then is the title sufficient to comply with Section 45 of the Constitution?

4. Does the substitute for H. B. 501 so alter or amend the bill as to change its original purpose in contravention of Section 61 of the Constitution?

**RESOLVED FURTHER,** That the clerk of the House of Representatives is hereby directed to send nine true copies of the pending bill, the

substitute for H. B. 501, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this Resolution.

On motion of Mr. White, the rules were suspended and the resolution, H. R. 338, was adopted.

Also:

By Mr. White:

H. R. 339. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO THE SUBSTITUTE FOR H. B. 502

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following important constitutional questions which have arisen concerning the pending bill, Substitute for H. B. 502, a copy of which is attached to this resolution and made a part hereof by reference:

1. Is the law proposed by the substitute for the bill, H. B. 502, a local or a general law under Section 110 of the Constitution?

2. If the answer to question one is that the substitute for H. B. 502 proposes a local law, then will such law be invalid since notice of intention to introduce it was not published as required by Section 106 of the Constitution?

3. If your answer to question 1 above is that the substitute for the bill, H. B. 502 proposes a general bill, then is the title sufficient to comply with Section 45 of the Constitution?

4. Does the substitute for H. B. 502 so alter or amend the bill as to change its original purpose in contravention of Section 61 of the Constitution?

RESOLVED FURTHER, That the clerk of the House of Representatives is hereby directed to send nine true copies of the pending bill, the substitute for H. B. 502, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this Resolution.

On motion of Mr. White, the rules were suspended and the resolution, H. R. 339, was adopted.

Also:

By Mr. Smith (M):

H. R. 340. WISHING THE SPEEDY RECOVERY OF CHRIS SANDERS

WHEREAS, Chris Sanders has been a prominent citizen of Chambers County for some years; and

WHEREAS, he has done much to bring joy and happiness to his parents, friends and neighbors; and

WHEREAS, he has served unselfishly his community and his church without hope of worldly gain; and

**REGULAR SESSION**  
**12th Day**

717

WHEREAS, it has recently come to the attention of the State that Chris Sanders has succumbed to an untimely accident and is now recuperating; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That it does hereby take this opportunity to express grateful appreciation to Chris Sanders for his good life and impact on his church, friends and community; and

BE IT FURTHER RESOLVED, That the State does wish him a rapid and immediate recovery; and

BE IT EVEN FURTHER RESOLVED, That upon recovery, the State does request that Chris Sanders re-enter public life and resume his traditional place of leadership among his friends and peers.

On motion of Mr. Smith (M), the rules were suspended and the resolution, H. R. 340, was adopted.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. McMillan:

S. J. R. 246. MOURNING THE DEATH OF JOSEPH THOMAS PRIESTER, SR.

McDOWELL LEE,  
Secretary.

**SENATE MESSAGE**

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, S. J. R. 246, on the Clerk's desk for one legislative day.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Powell:

S. J. R. 270. COMMENDING JEREMY MILLS FOR HEROISM.

McDOWELL LEE,  
Secretary.

**SENATE MESSAGE**

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, S. J. R. 270, on the Clerk's desk for one legislative day.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. Waldrop:

S. J. R. 260. Mourning the death of Wayne M. Lowe.

Also:

By Mr. Waldrop:

S. J. R. 261. Mourning the death of Melvin Camp Kilpatrick.

Also:

By Mr. Waldrop:

S. J. R. 262. Mourning the death of Ervin A. Phillips.

Also:

By Mr. Waldrop:

S. J. R. 263. Honoring Mack Garrett for outstanding service in the field of law enforcement.

Also:

By Mr. Waldrop:

S. J. R. 264. Commending Joseph Faulkner, Community Service Award Recipient.

Also:

By Mr. Waldrop:

S. J. R. 265. Commending the Westminster Christian High School Basketball Team for their championship victory.

Also:

By Mr. Mitchell:

S. J. R. 267. To name the National Guard Armory to be constructed in Luverne, Alabama, "Fort James Douglas Finlay".

Also:

By Mr. Miller:

S. J. R. 268. Congratulating and commending the Andalusia High School Football Team.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolutions, S. J. R. 260, S. J. R. 261, S. J. R. 262, S. J. R. 263, S. J. R. 264 and S. J. R. 265, on the Clerk's desk for one legislative day.

On motion of Mr. Cates, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 267, the title of which is set out in the above and foregoing Message from the Senate.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, S. J. R. 268, on the Clerk's desk for one legislative day.

#### RESOLUTION

The following resolution was introduced:

By Messrs. Merrill and Smith (C):

H. J. R. 341. REQUESTING THE STATE BOARD OF EDUCATION TO INCLUDE A PROGRAM OF CARDIOPULMONARY RESUS-

**CITATION IN THE CURRICULUM OF SCHOOLS UNDER ITS SUPERVISION**

WHEREAS, cardiovascular disease is the number one killer of persons in the nation and in the State of Alabama; and

WHEREAS, sixty percent of those dying from this disease do so before reaching medical supervision, which is increasingly effective in saving the lives of those who suffer from said disease; and

WHEREAS, many more lives can be saved by prompt and proper treatment before the affected person can reach medical supervision; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do request the State Board of Education to include a program of cardiopulmonary resuscitation in the curriculum of schools under its supervision.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the members of the State Board of Education, to the State Superintendent of Education and to Dr. Warren G. Sarrell, President of the Alabama Heart Association.

On motion of Mr. Merrill, the rules were suspended and the resolution, H. J. R. 341, was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Crawford, Crowe, Drake, Edwards, Folmar, Ford, Gafford, Greer, Gregg, Hill, Hilliard, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Kennedy, Killian, Lewis, Lockett, McCulley, McMillan, McNees, Martin, Merrill, Moore (O), Moore (W), Naramore, Pegues, Plaster, Porter, Reed, Rich, Riddick, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White, Wyatt and Younce.

—63

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 398. Relating to Coosa County; authorizing the levy of a tax on the sale and distribution of malt or brewed beverages; providing for the collection of such tax; and allowing the confiscation of such beverages on which such tax has not been paid.

McDOWELL LEE,  
Secretary.

**SENATE MESSAGE**

On motion of Mr. McCluskey, the House concurred in and adopted the Senate amendment to the bill, H. 398, said Senate amendment being as follows:

Amend H. 398 by amending Section 7 as follows:

SECTION 7. All laws or parts of laws which conflict with this Act are repealed. specifically including Act No. 102, H. 222 1969 Special

Session (Acts of 1969, p. 383) and Act No. 755, H. 1704, 1973 Regular Session, (Acts of 1973, p. 1127).

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Buskey, Callahan, Campbell, Carter, Cates, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Hall, Hill, Hilliard, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Pegues, Plaster, Reed, Rich, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Turnham, Venable, Warren, Weeks, White, Wyatt and Younce.

—58

And the bill, H. 398 as thus amended, was again read at length and passed.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Buskey, Callahan, Campbell, Carter, Cates, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Hill, Hilliard, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Pegues, Plaster, Reed, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Turnham, Venable, Warren, Weeks, White, Williams and Wyatt.

—64

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Little:

S. 238. To create the office of county historian in all counties of this state having a population of not less than 60,000 nor more than 65,000 inhabitants, according to the 1970 or any subsequent federal decennial census; to provide for compensation and the method of appointment, and to prescribe the duties.

Also:

By Mr. Powell:

S. 411. To provide for a collective bargaining procedure to settle all employment problems for all firefighters employed by municipalities having a population of not less than 100,000 inhabitants nor more than 135,000 inhabitants according to the most recent federal decennial census; to provide definitions for terms used in this Act.

Also:

By Mr. Fine:

S. 524. Relating to the thirty-fourth judicial circuit, providing the district attorney of said circuit an annual expense allowance payable by the county composing said circuit.

REGULAR SESSION  
12th Day

721

Also:

By Mr. Little (With Notice and Proof):

S. 480. To provide that certain Lee County officers, i.e.: tax collector and tax assessor be placed on a salary; to provide further the amount and mode of payment; to establish clerk hire allowances for such officers, and to provide for the payment from the general funds of the county.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, SB 480, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 238. Local Legislation No. 1.
- S. 411. Local Legislation No. 4.
- S. 524. Local Legislation No. 1.
- S. 480. Local Legislation No. 1.

H. 526 TEMPORARILY POSTPONED

Consideration of the bill, H. 526 with Executive amendment, was temporarily postponed.

RESOLUTIONS

The following resolutions were introduced:

By Messrs. Greer, Hill, Coburn and Goodwin:

H. J. R. 342. COMMENDING CHARLIE THOMPSON FOR HEROISM.

WHEREAS, on July 30, 1976, when the boat in which he was riding jumped out of gear, Billy Springer was thrown from the boat into the waters of Second Creek which is located in Lauderdale County; he was seriously injured when he was pulled into the propeller while attempting to stop the boat, and was in grave danger of drowning; and

WHEREAS, his skiing companion, Charlie Thompson, whom Mr. Springer had been towing, managed to pull Mr. Springer to safety and back into the boat, but was unsuccessful in his attempts to start the boat again; and

WHEREAS, without regard for his own safety, Charlie Thompson dived into the water, swam some 250 yards to shore, ran a mile or more on a gravel road which severely lacerated his feet; he summoned help and was successful in getting his injured companion to the hospital with life-saving speed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, in recognition of his outstanding courage, we highly commend Charlie Thompson for valor and personal bravery in successfully saving the life of his friend.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Thompson that he may know of our praise.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 342, on the Clerk's desk for one legislative day.

Also:

By Mr. Folmar:

H. J. R. 343. CONGRATULATING THE TROY STATE UNIVERSITY FOOTBALL TEAM ON THEIR CONFERENCE CHAMPIONSHIP.

WHEREAS, in November, 1975, Troy State University's search for a football coach, who would return the Trojans to national prominence, ended with the selection of Charlie Bradshaw; and

WHEREAS, The Trojan's climb back was far from easy, beginning in January when the toil of their off-season program started, with benefits beginning to show during the Spring and on into Fall; and

WHEREAS, in the first game of the '76 season with Charlie Bradshaw as TSU's head man, the Trojans shocked the visiting Angelo State Texans with a decisive 38 to 9 victory to begin the University's best football record since 1969, eight, one and one, with the final NCAA poll listing the Trojans as sixth, the first time in history for TSU's name to appear in that association's final top 10; and

WHEREAS, history was made again when the conference trophy came to the Davis Field House for the third time, as no other GSC school has won two football crowns since the league was formed in 1971; and

WHEREAS, the TSU Trojans spent many long hours of arduous and dedicated practice to accomplish their goals; they were challenged and given purpose and new meaning to the game by Head Coach Charlie Bradshaw and his able assistants, and were enthusiastically cheered to new spirit and determined efforts by thousands of loyal Trojan fans; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do recognize, praise and applaud Troy State University's outstanding accomplishments this past season under the direction of Head Coach Charlie Bradshaw, and do heartily congratulate them on their 1976 Conference Championship.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Coach Bradshaw and his assistants, and to each member of the team.

On motion of Mr. Folmar, the rules were suspended and the resolution, H. J. R. 343, was adopted.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 297. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ETHICS COMMISSION.



Also:

H. J. R. 122. PROVIDING FOR THE CONTINUED EXISTENCE OF THE EXAMINERS OF PUBLIC ACCOUNTS.

Also:

H. J. R. 128. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEPARTMENT OF INDUSTRIAL RELATIONS.

Also:

H. J. R. 129. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ADVISORY COUNCIL.

Also:

H. J. R. 131. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEPARTMENT OF LABOR.

Also:

H. J. R. 132. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA SECURITIES COCCISSION.

Also:

H. J. R. 160. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF APPEALS

Also:

H. J. R. 162. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LIQUEFIED PETROLEUM GAS BOARD.

Also:

H. J. R. 177. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE BOARD OF EXAMINERS OF SPEECH PATHOLOGY AND AUDIOLOGY.

Also:

H. J. R. 178. PROVIDING FOR THE CONTINUED EXISTENCE OF THE AIR POLLUTION CONTROL COMMISSION.

Also:

H. J. R. 181. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE BOARD OF VETERINARY MEDICAL EXAMINERS.

Also:

H. J. R. 182. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ENTOMOLOGISTS, HORTICULTURISTS, FLORICULTURISTS, AND TREE SURGEONS.

Also:

H. J. R. 207. PROVIDING FOR THE CONTINUED EXISTENCE OF THE COSMETOLOGY BOARD.

Also:

H. J. R. 295. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOXING AND WRESTLING COMMISSION.

Also:

H. J. R. 296. PROVIDING FOR THE CONTINUED EXISTENCE OF THE FARMERS MARKET AUTHORITY.

Also:

H. J. R. 308. PROVIDING FOR THE CONTINUED EXISTENCE OF THE JOINT INTERIM COMMITTEE ON FINANCE AND TAXATION.

Also:

H. J. R. 314. PROVIDING FOR THE TERMINATION OF THE COMMISSION ON INTERGOVERNMENTAL COOPERATION.

Also:

H. J. R. 179. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF AGRICULTURE AND INDUSTRIES.

And finds same correctly enrolled.

TOM DRAKE,  
Chairman.

#### SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND EOGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 398. Relating to Coosa County; authorizing the levy of a tax on the sale and distribution of malt or brewed beverages; providing for the collection of such tax; and allowing the confiscation of such beverages on which such tax has not been paid.

And finds same correctly enrolled.

TOM DRAKE,  
Chairman.

#### SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

#### H. B. 508. RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 508, from the Standing Committee on Local Legislation No. 1 to the Standing Committee on Judiciary.

REGULAR SESSION  
12th Day

725

MESSAGE FROM THE GOVERNOR

To the House of Representatives  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a Message from the Governor concerning House Bill Number 526 and containing a suggested Executive Amendment.

Respectfully submitted,

HENRY B. STEAGALL, II,  
Executive Secretary.

DONE THIS 8 DAY OF MARCH, 1977.

To the House of Representatives  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

At the request of the sponsor, I am returning to you, the Body in which it originated, House Bill Number 526 without my approval and with a suggested Executive Amendment.

It is suggested that you amend House Bill Number 526 by deleting Section 5 of this bill in its entirety, and inserting in lieu thereof the following:

Section 5. This Act shall become effective on March 1, 1977, and approval by the Governor, or upon its otherwise becoming a law.

The adoption of this suggested Executive Amendment will remove my objections to this bill.

Respectfully,

GEORGE C. WALLACE,  
Governor.

GOVERNOR'S MESSAGE

On motion of Mr. Owens, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 526, said Governor's amendment being set out in the above and foregoing Message from the Governor.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Andrews, Baker, Brindley, Callahan, Campbell, Carter, Cates, Crawford, Edwards, Folmar, Ford, Gafford, Greer, Hall, Hopping, Jackson (F), Killian, McCulley, McNair, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Rich, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Warren, Weeks, Whatley, White and Williams.

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 526. Relating to Bibb County; providing for the establishment of a consolidated and unified system of assessing and collecting taxes under one elective county official designated as "county tax assessor and collector"; prescribing the powers, duties, term of office and compensation of said official; providing for the manner of election to the new office; abolishing the offices of tax assessor and tax collector in Bibb County; repealing conflicting laws; and prescribing the effective date of this act.

As thus amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 54; Nays 0.

*Yeas:*

Mr. Speaker, Baker, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Crawford, Crowe, Edwards, Folmar, Ford, Gafford, Glass, Greer, Hall, Hines, Hopping, Jackson (F), Killian, Lutz, McCulley, McMillan, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Reed, Rich, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Younce.

—54

## RESOLUTIONS

The following resolutions were introduced:

By Mr. Smith (M):

H. R. 344. COMMENDING MR. & MRS. MORRIS WILDER.

WHEREAS, Mr. and Mrs. Morris Wilder were legally joined together in holy matrimony; and

WHEREAS, they have remained in said holy state for over one-half century; and

WHEREAS, they have honored their marriage vows of so long ago and kept each other in sickness and in health; and

WHEREAS, they have loved and honored each other above all other people and defended each other against all things injurious; and

WHEREAS, they have been exemplary citizens of this County and have set an enviable example for posterity to follow:

NOW, THEREFORE, BE IT RESOLVED, that the Alabama House of Representatives does hereby acknowledge the sublime example set by Mr. and Mrs. Morris Wilder over the last twenty-five years; and

BE IT FURTHER RESOLVED, that the State of Alabama does on this occasion take time to gratefully thank Mr. and Mrs. Morris Wilder for all their enduring efforts to make this world a better place to live; and

REGULAR SESSION  
12th Day

727

BE IT EVEN FURTHER RESOLVED, that the date of the consummation of their marriage be hereafter and forevermore celebrated as Mr. and Mrs. Morris Wilder Memorial Day. Also be it resolved, that a copy of this resolution be sent to Mr. and Mrs. Morris Wilder.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 344, on the Clerk's desk for one legislative day.

Also:

By Mr. Smith (M):

H. R. 345. COMMENDING MR. & MRS. WILL WALKER

WHEREAS, Mr. and Mrs. Will Walker were legally joined together in holy matrimony; and

WHEREAS, they have remained in said holy state for over one-half century; and

WHEREAS, they have honored their marriage vows of so long ago and kept each other in sickness and in health; and

WHEREAS, they have loved and honored each other above all other people and defended each other against all things injurious; and

WHEREAS, they have been exemplary citizens of this County and have set an enviable example for posterity to follow:

NOW, THEREFORE, BE IT RESOLVED, that the Alabama House of Representatives does hereby acknowledge the sublime example set by Mr. and Mrs. Will Walker over the last one-half century; and

BE IT FURTHER RESOLVED, that the State of Alabama does on this occasion take time to gratefully thank Mr. and Mrs. Will Walker for all their enduring efforts to make this world a better place to live; and

BE IT EVEN FURTHER RESOLVED, that the date of the consummation of their marriage be hereafter and forevermore celebrated as Mr. and Mrs. Will Walker Memorial Day. Also be it resolved, that a copy of this resolution be sent to Mr. and Mrs. Will Walker.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 345, on the Clerk's desk for one legislative day.

Also:

By Mr. Smith (M):

H. R. 346. COMMENDING MR. & MRS. DOUGLAS BENEFIELD

WHEREAS, Mr. and Mrs. Douglas Benefield were legally joined together in holy matrimony; and

WHEREAS, they have remained in said holy state for over one-half century; and

WHEREAS, they have honored their marriage vows of so long ago and kept each other in sickness and in health; and

WHEREAS, they have loved and honored each other above all other people and defended each other against all things injurious; and

WHEREAS, they have been exemplary citizens of this County and have set an enviable example for posterity to follow:

NOW, THEREFORE, BE IT RESOLVED, that the Alabama House of Representatives does hereby acknowledge the sublime example set by Mr. and Mrs. Douglas Benefield over the last thirty-five years; and

BE IT FURTHER RESOLVED, that the State of Alabama does on this occasion take time to gratefully thank Mr. and Mrs. Douglas Benefield for all their enduring efforts to make this world a better place to live; and

BE IT EVEN FURTHER RESOLVED, that the date of the consummation of their marriage be hereafter and forevermore celebrated as Mr. and Mrs. Douglas Benefield Memorial Day. Also be it resolved, that a copy of this resolution be sent to Mr. and Mrs. Douglas Benefield.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 346, on the Clerk's desk for one legislative day.

Also:

By Mr. Smith (M):

H. R. 347. COMMENDING MR. & MRS. R. D. ALLEN

WHEREAS, Mr. and Mrs. R. D. Allen were legally joined together in holy matrimony; and

WHEREAS, they have remained in said holy state for over one-half century; and

WHEREAS, they have honored their marriage vows of so long ago and kept each other in sickness and in health; and

WHEREAS, they have loved and honored each other above all other people and defended each other against all things injurious; and

WHEREAS, they have been exemplary citizens of this County and have set an enviable example for posterity to follow:

NOW, THEREFORE, BE IT RESOLVED, that the Alabama House of Representatives does hereby acknowledge the sublime example set by Mr. and Mrs. R. D. Allen over the last one-half century; and

BE IT FURTHER RESOLVED, that the State of Alabama does on this occasion take time to gratefully thank Mr. and Mrs. R. D. Allen for all their enduring efforts to make this world a better place to live; and

BE IT EVEN FURTHER RESOLVED, that the date of the consummation of their marriage be hereafter and forevermore celebrated as Mr. and Mrs. R. D. Allen Memorial Day. Also be it resolved, that a copy of this resolution be sent to Mr. and Mrs. R. D. Allen.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 347, on the Clerk's desk for one legislative day.

Also:

By Mr. Smith (M):

H. R. 348. COMMENDING MR. & MRS. WARREN HARLIN

REGULAR SESSION  
12th Day

729

WHEREAS, Mr. and Mrs. Warren Harlin were legally joined together in hold matrimony; and

WHEREAS, they have remained in said holy state for over one-half century; and

WHEREAS, they have honored their marriage vows of so long ago and kept each other in sickness and in health; and

WHEREAS, they have loved and honored each other above all other people and defended each other against all things injurious; and

WHEREAS, they have been exemplary citizens of this County and have set an enviable example for posterity to follow:

NOW, THEREFORE, BE IT RESOLVED, that the Alabama House of Representatives does hereby acknowledge the sublime example set by Mr. and Mrs. Warren Harlin over the last sixty years; and

BE IT FURTHER RESOLVED, that the State of Alabama does on this occasion take time to gratefully thank Mr. and Mrs. Warren Harlin for all their enduring efforts to make this world a better place to live; and

BE IT EVEN FURTHER RESOLVED, that the date of the consummation of their marriage be hereafter and forevermore celebrated as Mr. and Mrs. Warren Harlin Memorial Day. Also be it resolved, that a copy of this resolution be sent to Mr. and Mrs. Warren Harlin.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 348, on the Clerk's desk for one legislative day.

Also:

By Mr. Smith (M):

H. R. 349. COMMENDING MR. & MRS. HUBERT HAMIL

WHEREAS, Mr. and Mrs. Hubert Hamil were legally joined together in holy matrimony; and

WHEREAS, they have remained in said holy state for over one-half century; and

WHEREAS, they have honored their marriage vows of so long ago and kept each other in sickness and in health; and

WHEREAS, they have loved and honored each other above all other people and defended each other against all things injurious; and

WHEREAS, they have been exemplary citizens of this County and have set an enviable example for posterity to follow:

NOW, THEREFORE, BE IT RESOLVED, that the Alabama House of Representatives does hereby acknowledge the sublime example set by Mr. and Mrs. Hubert Hamil over the last one-half century; and

BE IT FURTHER RESOLVED, that the State of Alabama does on this occasion take time to gratefully thank Mr. and Mrs. Hubert Hamil for all their enduring efforts to make this world a better place to live; and

BE IT EVEN FURTHER RESOLVED, that the date of the consummation of their marriage be hereafter and forevermore celebrated as Mr.

and Mrs. Hubert Hamil Memorial Day. Also be it resolved, that a copy of this resolution be sent to Mrs. and Mrs. Hubert Hamil.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 349, on the Clerk's desk for one legislative day.

Also:

By Mr. Smith (M):

H. R. 350. COMMENDING MR. & MRS. J. A. KIRBY

WHEREAS, Mr. and Mrs. J. A. Kirby were legally joined together in holy matrimony; and

WHEREAS, they have remained in said holy state for over one-half century; and

WHEREAS, they have honored their marriage vows of so long ago and kept each other in sickness and in health; and

WHEREAS, they have loved and honored each other above all other people and defended each other against all things injurious; and

WHEREAS, they have been exemplary citizens of this County and have set an enviable example for posterity to follow:

NOW, THEREFORE, BE IT RESOLVED, that the Alabama House of Representatives does hereby acknowledge the sublime example set by Mr. and Mrs. J. A. Kirby over the last one-half century; and

BE IT FURTHER RESOLVED, that the State of Alabama does on this occasion take time to gratefully thank Mr. and Mrs. J. A. Kirby for all their enduring efforts to make this world a better place to live; and

BE IT EVEN FURTHER RESOLVED, that the date of the consummation of their marriage be hereafter and forevermore celebrated as Mr. and Mrs. J. A. Kirby Memorial Day. Also be it resolved, that a copy of this resolution be sent to Mr. and Mrs. J. A. Kirby.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 350, on the Clerk's desk for one legislative day.

Also:

By Mr. Smith (M):

H. R. 351. COMMENDING MR. & MRS. DAVID HOWELLS

WHEREAS, Mr. and Mrs. David Howells were legally joined together in holy matrimony; and

WHEREAS, they have remained in said holy state for over one-half century; and

WHEREAS, they have honored their marriage vows of so long ago and kept each other in sickness and in health; and

WHEREAS, they have loved and honored each other above all other people and defended each other against all things injurious; and

WHEREAS, they have been exemplary citizens of this County and have set an enviable example for posterity to follow:



REGULAR SESSION  
12th Day

731

NOW, THEREFORE, BE IT RESOLVED, that the Alabama House of Representatives does hereby acknowledge the sublime example set by Mr. and Mrs. David Howells over the last one-half century; and

BE IT FURTHER RESOLVED, that the State of Alabama does on this occasion take time to gratefully thank Mr. and Mrs. David Howells for all their enduring efforts to make this world a better place to live; and

BE IT EVEN FURTHER RESOLVED, that the date of the consummation of their marriage be hereafter and forevermore celebrated as Mr. and Mrs. David Howells Memorial Day. Also be it resolved, that a copy of this resolution be sent to Mr. and Mrs. David Howells.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 351, on the Clerk's desk for one legislative day.

Also:

By Mr. Smith (M):

H. R. 352. COMMENDING MR. & MRS. LEROY HENRY

WHEREAS, Mr. and Mrs. LeRoy Henry were legally joined together in holy matrimony; and

WHEREAS, they have remained in said holy state for over one-half century; and

WHEREAS, they have honored their marriage vows of so long ago and kept each other in sickness and in health; and

WHEREAS, they have loved and honored each other above all other people and defended each other against all things injurious; and

WHEREAS, they have been exemplary citizens of this County and have set an enviable example for posterity to follow:

NOW, THEREFORE, BE IT RESOLVED, that the Alabama House of Representatives does hereby acknowledge the sublime example set by Mr. and Mrs. LeRoy Henry over the last twenty-five years; and

BE IT FURTHER RESOLVED, that the State of Alabama does on this occasion take time to gratefully thank Mr. and Mrs. LeRoy Henry for all their enduring efforts to make this world a better place to live; and

BE IT EVEN FURTHER RESOLVED, that the date of the consummation of their marriage be hereafter and forevermore celebrated as Mr. and Mrs. LeRoy Henry Memorial Day. Also be it resolved, that a copy of this resolution be sent to Mr. and Mrs. LeRoy Henry.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 352, on the Clerk's desk for one legislative day.

Also:

By Mr. Smith (M):

H. R. 353. COMMENDING MR. & MRS. LARKIN FRENCH

WHEREAS, Mr. and Mrs. Larkin French were legally joined together in holy matrimony; and

WHEREAS, they have remained in said holy state for over one-half century; and

WHEREAS, they have honored their marriage vows of so long ago and kept each other in sickness and in health; and

WHEREAS, they have loved and honored each other above all other people and defended each other against all things injurious; and

WHEREAS, they have been exemplary citizens of this County and have set an enviable example for posterity to follow:

NOW, THEREFORE, BE IT RESOLVED, that the Alabama House of Representatives does hereby acknowledge the sublime example set by Mr. and Mrs. Larkin French over the last one-half century; and

BE IT FURTHER RESOLVED, that the State of Alabama does on this occasion take time to gratefully thank Mr. and Mrs. Larkin French for all their enduring efforts to make this world a better place to live; and

BE IT EVEN FURTHER RESOLVED, that the date of the consummation of their marriage be hereafter and forevermore celebrated as Mr. and Mrs. Larkin French Memorial Day. Also be it resolved, that a copy of this resolution be sent to Mr. and Mrs. Larkin French.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 353, on the Clerk's desk for one legislative day.

Also:

By Mr. Andrews:

H. J. R. 354. COMMENDING REV. ROBERT E. BROWN, PASTOR OF THE LAKEWOOD BAPTIST CHURCH.

WHEREAS, the Reverend Robert E. Brown has faithfully served the congregation of the Lakewood Baptist Church; and

WHEREAS, the Reverend Robert E. Brown has devoted his life to serving ALMIGHTY GOD and helping his fellowman; and

WHEREAS, the Reverend Robert E. Brown is a saintly man and an instrument of the HOLY SPIRIT in the leadership of GOD'S FLOCK: and

WHEREAS, the Reverend Robert E. Brown not only serves the needs of his congregation, but performs a vital service to his community; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Reverend Robert E. Brown of the Lakewood Baptist Church for his services to ALMIGHTY GOD and his fellow-man and do wish him many more years of such wonderful and faithful services; and

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Reverend Robert E. Brown.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 354, on the Clerk's desk for one legislative day.

Also:

By Messrs. Callahan, Owens and McCluskey:

H. J. R. 355. COMMENDING GOVERNOR GEORGE C. WALLACE AND THE ALABAMA HIGHWAY DEPARTMENT FOR ADMINISTRATIVELY PLACING ALABAMA FIRST IN THE NATION IN THE UTILIZATION OF FEDERAL HIGHWAY FUNDS.

WHEREAS, The Federal Highway Administration recently released a report on programmed progress in the use of revenues accruing to the Highway Trust Fund during the Fiscal Year 76-77; and

WHEREAS, the State of Alabama was ranked number one among the 50 states in the percentage of obligation in relation to fiscal year apportionment of Federal funds; and

WHEREAS, the State of Alabama was the only State which had advanced to the point of utilizing portions of the 1978 appropriations; and

WHEREAS, the State of Alabama ranked third in the Nation in the total numbers of Federal Aid highway program obligations for the Fiscal Year 1977, only being surpassed by the State of Texas and the State of New York; and

WHEREAS, the State of Alabama has been commended for the prompt handling of the Federal Aid Program in order to expedite Federal Aid projects; now therefore,

BE IT HEREBY RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Governor George C. Wallace, the State Highway Director, and the State Highway Department be commended for carrying out a mandate of the State Legislature requiring that all Federal funds be fully utilized and further commended for the expeditious and effective manner in which this program has been administered.

On motion of Mr. Callahan, the rules were suspended and the resolution, H. J. R. 355, was adopted.

#### CO-SPONSORS ADDED

The following were added as co-sponsors to the resolution, H. J. R. 355:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Carothers, Carter, Cates, Crawford, Crowe, Dial, Edwards, Folmar, Ford, Greer, Hall, Hill, Hines, Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kinsey, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Owens, Pegues, Plaster, Porter, Reed, Rich, Riddick, Roberts, Sasser, Shelton, Shoemaker, Smith (C), Smith (J), Starkey, Waggoner, Warren, Weeks, Williams and Younce.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 399. To provide a form of municipal government to be known as the mayor-council form of government, which may be adopted by any city in the State of Alabama having a population of not less than

60,000 nor more than 125,000 according to the last or any succeeding federal or municipal census; to provide the method by which any such city may adopt the mayor-council form of government; to provide for the calling and holding of elections to vote thereon; to define and provide the legal status, form of government and powers of any such city under the mayor-council form of government; to provide as the governing body of such city a city council; to provide for the number of members of the council, their election and terms of office; to provide the functions, duties, powers and authority of the city council; to provide for the election, appointment or designation of officers and employees of the city and for their qualifications, duties, functions, powers and authority; to provide for the election, term, qualifications and compensation of a mayor and for the filling of vacancies in the office of mayor and to provide the duties and authority of the mayor; to provide for the control of the finances of such city; to provide for an annual budget, its preparation, submission, and adoption and the effect thereof; to create and define the powers, functions, duties and authority of the department of finance and the director of the department of finance; to regulate purchases and contracts of such city; to provide for the terms and effects of succession in government of any city adopting the mayor-council form of government; to make various other provisions for any such city which adopts the mayor-council form of government and for the government thereof; and to provide for the means of abandoning the mayor-council form of government and the adoption by the city of other forms of municipal government in lieu thereof.

McDOWELL LEE,  
Secretary.

#### SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing Message from the Senate.

#### MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Campbell, the rules were suspended in order to bring up out of order all uncontested local bills and the bills. H. 285, H. 286, H. 287 and H. 288.

Yeas 54; Nays 8.

Yeas:

Mr. Speaker, Andrews, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Crowe, Dial, Edwards, Folmar, Ford, Goodwin, Harris, Hines, Holmes (D), Hoping, Johnson, Johnstone, Jolly, Killian, Lockett, McCluskey, McCulley, McMillan, Manley, Merrill, Moore (W), Mooris, Naramore, Owens, Pegues, Porter, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (C), Smith (J), Starkey, Venable, Waggoner, Weeks, Williams and Younce.

—54

Nays:

Messrs.: Hill, Jackson (F), Kennedy, Lutz, Rich, Tucker, Turnham and Wyatt.

—8

BILLS ON THIRD READING

And the bill:

H. 555. To prohibit the sale, the offering for sale or the use of steel leg-hold traps designed for capturing wild animals in any county having a population of not less than 50,000 nor more than 52,500 inhabitants according to the 1970 or any subsequent federal decennial census; and to prescribe penalties for violations.

Having been postponed on the eighth legislative day, was taken up.

H. 555 POSTPONED

On motion of Mr. Drake, the bill, H. 555, was postponed to the fifteenth legislative day.

And the bill:

H. 403. Relating to any county having a population of not less than 16,600 nor more than 16,950 according to the 1970 or any subsequent federal decennial census; providing an expense allowance for the sheriff in any such county.

Having been postponed on the ninth legislative day, was taken up.

H. 403 POSTPONED

On motion of Mr. Crowe, the bill, H. 403, was postponed to the thirteenth legislative day.

And the bill:

H. 685. Relating to counties with populations of not less than 16,600 nor more than 16,950, authorizing and directing the State Highway Department to maintain all county roads which serve as rural mail or school bus routes.

Having been postponed on the ninth legislative day, was taken up.

H. 685 POSTPONED

On motion of Mr. Crowe, the bill, H. 685, was postponed to the thirteenth legislative day.

And the bill:

S. 244. To authorize the county governing body of counties having a population of not less than 17,000 nor more than 20,000 inhabitants according to the 1970 or any subsequent federal decennial census to establish the position of deputy coroner and to set and pay from the county general fund the salary and any reasonable expense allowance for such office; and to prescribe the duties of such office.

Was read a third time at length and passed.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Hill, Hines, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Merrill, Moore (O),

Moore (W), Morris, Naramore, Owens, Pegues, Rich, Roberts, Robertson, Sasser, Shelton, Shoemaker, Smith (J), Smith (M), Starkey, Turnham, Venable, Waggoner, Warren, Weeks, White and Williams.

—70

And the bill:

H. 438. Relating to Chambers County; providing for the reorganization of the county board of education and providing for election and length of term for the new members of such board.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Dial, Drake, Edwards, Folmar, Gafford, Goodwin, Hall, Harris, Hines, Holmes (D), Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Starkey, Turnham, Venable, Waggoner, Warren, Weeks and Williams.

—69

And the bill:

H. 580. (With Amendment): Relating to Elmore County; to provide for a chief deputy sheriff, an assistant chief deputy sheriff and other deputies sheriff of Elmore County, Alabama; and to provide for their compensation, and to repeal conflicting laws.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 580 page 1, Section 1, line 20 after the word "and" add the following words: a minimum of.

And the amendment was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Clark, Coburn, Crawford, Dial, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Hill, Hines, Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Starkey, Venable, Waggoner, Warren, Weeks, White and Williams.

—72

REGULAR SESSION  
12th Day

737

And the bill, H. 580 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Clark, Coburn, Crawford, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Hall, Harris, Hines, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Starkey, Venable, Waggoner, Warren, Weeks, Whatley and White.

—71

And the bill:

H. 623. Relating to counties having a population of not less than 41,750 nor more than 45,000 according to the 1970 or any subsequent federal decennial census; providing that any three municipalities under the purview of this act may jointly form a board of water and sewer commissioners under the provisions of Act No. 775, S. 274, 1951 Regular Session, as amended [Acts of 1951, p. 1359; now appearing in Code of Alabama, Recompiled 1958, Title 37, Sections 402(28)-402(46)] and to further provide that such municipalities may alter the membership and organization of the board.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Dial, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Hall, Harris, Hines, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Starkey, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—74

And the bill:

H. 727. To alter or rearrange the boundary lines of the town of Cedar Bluff, Cherokee County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cedar Bluff, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford,

Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Harris, Hines, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Reed, Rich, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Starkey, Taylor, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—70

And the bill:

H. 729. To provide for the night hunting and taking of racoons and opossums with the use of a light and/or shotgun using shot no larger than number eight, or with a 22-caliber rimfire rifle using 22-caliber-short ammunition in all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the 1970 or any subsequent federal decennial census.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Cates, Clark, Coburn, Crawford, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Hall, Harris, Hines, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Reed, Rich, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (J), Smith (M), Sonnier, Sparks, Starkey, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—73

And the bill:

H. 788. Proposing an amendment to the Constitution of Alabama relating to placing the probate judge, the tax assessor, and the tax collector of Choctaw County on a salary basis of compensation.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Clark, Coburn, Crawford, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Hall, Harris, Hines, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Younce.

—78



REGULAR SESSION  
12th Day

739

And the bill:

H. 806. To amend further Section 3 of Act No. 1945, H. 584, Regular Session 1971 (Acts 1971, p. 3143), as last amended, which provides for and regulates the employment of county engineers so as to provide that the county engineer in certain counties need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of the county engineer's salary.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Clark, Coburn, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Hall, Harris, Hines, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Younce.

—79

And the bill:

S. 406. Relating to Crenshaw county; to provide that the sheriff shall be entitled to the allowance payable by the state for feeding prisoners; to provide that the provisions of this act shall be retroactive.

Was read a third time at length and passed.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Clark, Coburn, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Hall, Harris, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—77

And the bill:

S. 408. Relating to Crenshaw County; to provide for the employment of clerks, secretaries, and clerical assistants to perform duties in the Office of the Judge of Probate and in the Office of the Sheriff of Crenshaw County; to provide for the salaries of all such employees; and to authorize the Crenshaw County Commission or other like governing body to pay salaries or any portion thereof of existing and future clerks, secretaries and clerical assistants employed by the Judge of Probate and the Sheriff and who are performing duties in such respective offices; and making the provisions of this act retroactive to October 1, 1973.

Was read a third time at length and passed.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Buskey, Callahan, Campbell, Carter, Cates, Clark, Coburn, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Hall, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—78

And the bill:

H. 645. Relating to counties having a population of not less than 110,000 nor more than 150,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide for the salaries and expense allowances of certain county officers in such counties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Hall, Harris, Hill, Hines, Holley, Holmes (D), Hopping, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—83

And the bill:

H. 663. To regulate further the excusing of persons from jury service in the Eighteenth Judicial Circuit; to require persons excused from jury service at one time to serve at a subsequent time; and to regulate the compensation of jurors who serve under certain conditions.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Drake, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees,

REGULAR SESSION  
12th Day

741

Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—81

And the bill:

H. 708. To propose an amendment to the Constitution of Alabama providing for home rule for Escambia County or any municipality within Escambia County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 76; Nays 0.

*Yeas:*

Mr. Speaker, Andrews, Armstrong Baker, Biddle, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Clark, Coburn, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—76

H. 764 TEMPORARILY POSTPONED

No objection being offered, the bill, H. 764, was temporarily postponed.

And the bill:

H. 836. To alter or rearrange the boundary lines of the City of Satsuma, Mobile County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Mobile County, Alabama.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 81; Nays 0.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hill, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—81

And the bill:

H. 738. To alter, rearrange and extend the boundary lines and corporate limits of the town of Grant, Alabama.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Lee, Lewis, Locket, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Turnham, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—80

And the bill:

H. 849. (With Amendment): Relating to Limestone County; giving the county governing body certain powers in regard to maintaining roads and rights-of-way leading to homes or residences on private property.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 849 page 1, Section 1, line 25-27 by striking the sentence: The county shall not, however, spread more than 20 yards of creek gravel on any one road or driveway annually. and insert in lieu thereof the following: Material provided by the county for maintenance shall be restricted to creek gravel and no more than 20 yards of creek gravel may be spread on any one road or driveway annually.

And the amendment was adopted.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Lee, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, Weeks, Whatley, White and Williams.

—80

REGULAR SESSION  
12th Day

743

And the bill, H. 849 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Kelley, Killian, Lee, Lewis, Locket, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—79

And the bill:

H. 850. Relating to Limestone County; to authorize the county commission to appropriate an amount not to exceed \$3,000 in their annual budget for industrial promotion.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carter, Clark, Coburn, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Harris, Hill, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—79

And the bill:

H. 858. Relating to all counties having a population of not less than 22,575 nor more than 23,800 inhabitants according to the 1970 or any subsequent federal decennial census; to provide for the expense allowances and salaries of the members of the county commission in such counties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Buskey, Campbell, Carter, Clark, Coburn, Crawford, Crowe, Dial, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (D), Hopping, Jackson (F),

Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—76

And the bill:

H. 866. To provide for payment to Cleburne County of a sum equal to the increase in state ad valorem tax revenues from Cleburne County because of the use for ad valorem tax purposes of the recent reappraised values of property in such county because the use of such reappraised values in Cleburne County before they were used for ad valorem tax purposes in any other county amounted to an unequal application of Alabama's tax laws; and to prescribe the county funds into which distributions of this payment shall be made.

Was taken up.

#### H. 866 POSTPONED

On motion of Mr. Dial, the bill, H. 866, was postponed to the thirteenth legislative day.

And the bill:

H. 876. Relating to counties having a population of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide that the county commission in such counties may employ a secretary for the district court judge and to set said secretary's salary.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Buskey, Campbell, Carter, Cates, Clark, Coburn, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hilliard, Holley, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—77

And the bill:

H. 877. Relating to counties having a population of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide that the county commission in any such county may employ up to three additional assistants in the circuit clerk's office and to provide the salary for such employees.

REGULAR SESSION  
12th Day

745

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Buskey, Callahan, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hilliard, Holley, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—81

And the bill:

H. 878. Relating to counties having a population of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide further for the election of the county superintendent of education and members of the county board of education.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hilliard, Hines, Holmes (D), Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—78

And the bill:

H. 879. Relating to counties having a population of not less than 21,000 nor more than 22,000 according to the 1970 or any subsequent federal decennial census; to provide further for the salary and expense allowance of the superintendent of education.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Harris, Hill, Hilliard, Hines, Holley, Holmes (D), Hopping,

Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—81

And the bill:

H. 880. To abolish mandatory publication of semi-annual financial statements by the courts of county commissions, boards of revenue or like governing bodies in all counties having a population of not less than 21,000 nor more than 22,000 according to the 1970 or any subsequent federal decennial census.

Was taken up.

#### H. 880 INDEFINITELY POSTPONED

On motion of Mr. Smith (J), the bill, H. 880, was indefinitely postponed.

And the bill:

S. 94. Relating to counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide that certain homebaked or homemade goods shall not be subject to the regulations of any state or county health department.

Was read a third time at length and passed.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hilliard, Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—81

And the bill:

H. 855. Relating to Pike County; prescribing further the procedure for reidentification of registered voters so as to provide that any qualified elector who voted in any election in 1976 or who votes in any election in 1977 shall be automatically reidentified; and giving this act retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe,



REGULAR SESSION  
12th Day

747

Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—78

And the bill:

H. 764. Relating to any county having a population of not less than 27,000 nor more than 27,900 according to the 1970 or any subsequent federal decennial census; exempting all volunteer fire departments within any such county from the payment of all state, county and municipal sales and use taxes.

Having been previously temporarily postponed, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Lee, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Roberts, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—73

And the bill:

H. 285. To validate in certain cases elections heretofore held in municipalities or counties on the question of the issuance of bonds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Cates, Clark, Crawford, Crowe, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hilliard, Holmes (D), Jackson (F), Johnson, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—80

And the bill:

H. 286. To validate in certain cases municipal corporations attempted to be organized under the laws of Alabama which might be invalid because of any irregularity in the procedure for incorporation.

Was taken up.

#### AMENDMENT OFFERED

Mr. Campbell offered the following amendment to the bill, H. 286:

Amend Section 1 of H. 286 by changing the word "therefore" on line 24, page 1 to "heretofore".

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Buskey, Callahan, Campbell, Cates, Clark, Coburn, Crawford, Crowe, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Riddick, Roberts, Robertson, Sandusky, Shelton, Shoemaker, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—80

And the bill, H. 286 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hines, Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Jolly, Killian, Kinsey, Lee, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—82

And the bill:

H. 287. To validate in certain cases elections held in municipalities or counties on the question of authorizing any special taxes under the Constitution.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kenncdy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—85

And the bill:

H. 288. To validate, in certain cases, annexations heretofore held by municipalities.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 7.

Yeas:

Mr. Speaker, Andrews, Baker, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Crawford, Cross, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Hill, Hines, Holley, Holmes (D), Jackson (F), Johnson, Jolly, Killian, Kinsey, Lee, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (W), Naramore, Owens, Pegues, Plaster, Roberts, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams, Wyatt and Younce.

—68

Nays:

Messrs.: Armstrong, Harrison, Hilliard, Jackson (R), Kennedy, McNair and Quarles.

—7

#### UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mrs. Quarles removed as co-sponsor to the bill, H. 288.

#### UNFINISHED BUSINESS

The House then proceeded with the consideration of the Unfinished Business.

And the bill:

H. 11. To authorize the state department of education to establish and maintain public kindergarten programs as an integral part of the public schools in Alabama, and to provide an appropriation from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1978.

As amended on the eighth legislative day, was taken up.

## AMENDMENT OFFERED

Mr. Armstrong offered the following amendment to the bill, H. 11 as amended:

Amend H. B. 11 by adding the following language after the word "Alabama" in Section 1, line 21; "provided however that no school system is to come under the provisions of this Act until there is a direct ratio of one teacher to twenty-five students in all grades from grades on through six within each school system."

## SUBSTITUTE TO AMENDMENT OFFERED

Mr. Morris offered the following substitute to the amendment offered by Mr. Armstrong to the bill, H. 11 as amended:

Further amend the bill, H. 11 as amended, by adding the following language after the word "Alabama" in Section 1, line 21, "in the event there exists in any county of this state not a direct ratio of one teacher to twenty-five students in all grades one through six, within each school system, then these systems not having the above said 1 to 25 ratio needed to implement said kindergarten program shall receive sufficient appropriations from the Special Educational Trust Fund to reduce said ratio to become eligible for said kindergarten program.

## MOTION TO TABLE LOST

The motion offered by Mr. Johnson to table the substitute offered by Mr. Morris, was lost.

Yeas 45; Nays 48.

Yeas:

Messrs.: Albright, Andrews, Baker, Barron, Buskey, Callahan, Cates, Coburn, Glass, Goodwin, Gregg, Hall, Harrison, Hill, Hilliard, Holley, Holmes (A), Hopping, Jackson (R), Johnson, Johnstone, Kennedy, Lee, Leonard, Lewis, McNees, Martin, Merrill, Quarles, Rich, Riddick, Robertson, Sandusky, Shelton, Smith (B), Smith (J), Sonnier, Starkey, Taylor, Tucker, Turnham, Warren, Weeks, Whatley and Younce.

—45

Nays:

Mr. Speaker, Armstrong, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Clark, Crawford, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Ford, Gafford, Greer, Holmes (D), Jackson (F), Jolly, Kelley, Killian, Kinsey, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, Manley, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Roberts, Sasser, Shoemaker, Smith (M), Sparks, Venable, Waggoner, White and Williams.

—48

## MOTION TO TABLE LOST

On motion of Mr. Armstrong, the motion offered by Mr. Callahan to postpone further consideration of the bill, H. 11 as amended, to the thirteenth legislative day, was tabled.

Yeas 52; Nays 40.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Clark, Crawford, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Ford, Gafford, Greer, Gregg, Harris, Holmes (D), Jack-

REGULAR SESSION  
12th Day

751

son (F), Jolly, Kelley, Killian, Kinsey, Lee, Lockett, Lutz, McCulley, McMillan, McNair, McNees, Manley, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Riddick, Robertson, Sasser, Shoemaker, Smith (M), Sparks, Venable, Waggoner, White and Williams.

—52

*Nays:*

Messrs.: Albright, Andrews, Barron, Buskey, Callahan, Cates, Edwards, Glass, Goodwin, Hall, Harrison, Hill, Hilliard, Holley, Holmes (A), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kennedy, Leonard, Lewis, Martin, Merrill, Quarles, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Taylor, Turnham, Warren, Weeks, Whatley and Younce.

—40

SUBSTITUTE TO AMENDMENT LOST

The question was then on the substitute offered by Mr. Morris to the amendment offered by Mr. Armstrong, and the substitute was lost.

Yeas 45; Nays 47.

*Yeas:*

Mr. Speaker, Armstrong, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Clark, Cross, Crowe, Drake, Falkenburg, Folmar, Gafford, Greer, Harris, Holmes (D), Jackson (F), Jolly, Kelley, Killian, Kinsey, Lockett, Lutz, McCulley, McMillan, McNair, Manley, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Roberts, Sasser, Shoemaker, Smith (M), Sparks, Venable, Waggoner, White and Williams.

—45

*Nays:*

Messrs.: Albright, Andrews, Baker, Barron, Buskey, Callahan, Cates, Crawford, Ford, Glass, Goodwin, Gregg, Hall, Harrison, Hill, Hilliard, Holley, Holmes (A), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kennedy, Lee, Leonard, Lewis, McCluskey, McNees, Martin, Merrill, Porter, Quarles, Rich, Riddick, Robertson, Sandusky, Shelton, Smith (B), Smith (J), Sonnier, Starkey, Taylor, Tucker, Turnham, Weeks, and Whatley.

—47

AMENDMENT TABLED

The question was then on the amendment offered by Mr. Armstrong to the bill, H. 11 as amended, and on motion of Mr. Turnham, the amendment was tabled.

Yeas 52; Nays 43.

*Yeas:*

Messrs.: Albright, Andrews, Baker, Buskey, Callahan, Carter, Cates, Crawford, Dial, Edwards, Folmar, Glass, Goodwin, Gregg, Harrison, Hill, Hilliard, Holley, Holmes (A), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kennedy, Kinsey, Lee, Leonard, Lewis, McNees, Merrill, Porter, Quarles, Rich, Riddick, Sandusky, Shelton, Shoemaker, Smith (B), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Tucker, Turnham, Venable, Warren, Weeks, Whatley, Williams and Younce.

—52

*Nays:*

Mr. Speaker, Armstrong, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Clark, Cross, Crowe, Drake, Falkenburg, Ford, Gafford, Hall,

Harris, Hines, Holmes (D), Jackson (F), Jolly, Kelley, Killian, Lockett, Lutz, McCulley, McMillan, McNair, Manley, Martin, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Roberts, Robertson, Sasser, Sparks, Waggoner and White.

—43

## AMENDMENT OFFERED

Mr. Greer offered the following amendment to the bill, H. 11 as amended:

Amend H. 11 on line 21 by adding the following after the word "Alabama" and then deleting the remainder of the sentence:

Provided that all public school systems in Alabama must have a direct ratio of one teacher to twenty-five students in all grades from grades one through six within each system before the program can be enacted.

## MOTION TO TABLE LOST

The motion offered by Mr. Johnson to table the amendment offered by Mr. Greer to the bill, H. 11 as amended, was lost.

Yeas 46; Nays 52.

*Yeas:*

Messrs.: Albright, Andrews, Baker, Barron, Buskey, Callahan, Cates, Glass, Gregg, Hall, Harrison, Hill, Hilliard, Hines, Holley, Hopping, Howard, Jackson (R), Johnson, Johnstone, Kennedy, Lee, Leonard, Lewis, Lutz, McCluskey, McMillan, McNees, Merrill, Porter, Quarles, Reed, Riddick, Sandusky, Shelton, Smith (B), Smith (J), Sonnier, Starkey, Taylor, Tucker, Turnham, Warren, Weeks, Whatley and Younce.

—46

*Nays:*

Mr. Speaker, Armstrong, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Clark, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Harris, Holmes (A), Holmes (D), Jackson (F), Jolly, Kelley, Killian, Kinsey, Lockett, McCulley, McNair, Manley, Martin, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Roberts, Robertson, Sasser, Shoemaker, Smith (M), Sparks, Venable, Waggoner, White, Williams and Wyatt.

—52

## AMENDMENT OFFERED

The question was again on the amendment offered by Mr. Greer to the bill, H. 11 as amended, and the amendment was adopted.

Yeas 51; Nays 45.

*Yeas:*

Mr. Speaker, Armstrong, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Clark, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Greer, Harris, Holmes (D), Jackson (F), Jolly, Kelley, Killian, Kinsey, Lockett, Lutz, McCulley, McMillan, McNair, Manley, Martin, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Roberts, Robertson, Sasser, Smith (M), Sparks, Venable, Waggoner, White, Williams and Wyatt.

—51

*Nays:*

Messrs.: Albright, Andrews, Baker, Barron, Buskey, Callahan, Cates, Glass, Goodwin, Gregg, Hall, Harrison, Hill, Hilliard, Holley, Holmes (A), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kennedy, Lee, Leonard, Lewis, McCluskey, McNees, Merrill, Porter, Quarles, Reed, Riddick, Sandusky, Shelton, Smith (B), Smith (J), Sonnier, Starkey, Taylor, Tucker, Turnham, Warren, Weeks, Whatley and Younce.

—45

MOTION TO POSTPONE

Mr. Turnham offered the motion to postpone the bill, H. 11 as amended, to the fourteenth legislative day.

MOTION TO TABLE LOST

The motion offered by Mr. Turnham to table the substitute motion offered by Mr. Manley to postpone the bill, H. 11 as amended, to the twenty-second legislative day, was lost.

Yeas 47; Nays 48.

*Yeas:*

Messrs.: Andrews, Baker, Barron, Boles, Buskey, Callahan, Carter, Cates, Coburn, Crawford, Edwards, Glass, Goodwin, Gregg, Hall, Harrison, Hill, Hilliard, Holmes (A), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kennedy, Leonard, Lewis, Martin, Merrill, Plaster, Porter, Quarles, Reed, Sandusky, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Taylor, Tucker, Turnham, Warren, Weeks, Whatley, Wyatt and Younce.

—47

*Nays:*

Mr. Speaker, Albright, Armstrong, Biddle, Brindley, Campbell, Carothers, Clark, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Ford, Gafford, Greer, Hines, Holley, Holmes (D), Jackson (F), Jolly, Kelley, Killian, Kinsey, Lee, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, Manley, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Riddick, Roberts, Robertson, Sasser, Shoemaker, Sparks, Venable, Waggoner and White.

—48

MOTION TO POSTPONE LOST

The question was then on the substitute motion offered by Mr. Manley to postpone further consideration of the bill, H. 11 as amended, to the twenty-second legislative day, and the substitute motion was lost.

Yeas 49; Nays 50.

*Yeas:*

Mr. Speaker, Armstrong, Biddle, Brindley, Campbell, Carothers, Carter, Clark, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Ford, Gafford, Greer, Hines, Holmes (D), Jackson (F), Kelley, Kennedy, Killian, Kinsey, Lee, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Riddick, Roberts, Robertson, Sasser, Shoemaker, Sparks, Venable, Waggoner and White.

—49

*Nays:*

Messrs.: Albright, Andrews, Baker, Barron, Boles, Buskey, Callahan, Cates, Coburn, Crawford, Edwards, Glass, Goodwin, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Holley, Holmes (A), Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Leonard, Lewis, Martin, Merrill, Porter, Quarles, Reed, Rich, Sandusky, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Taylor, Tucker, Turnham, Warren, Weeks, Whatley, Williams, Wyatt and Younce.

—50

## SUBSTITUTE MOTION TABLED

On motion of Mr. Turnham, the substitute motion offered by Mr. Manley to postpone further consideration of the bill, H. 11 as amended, to the twenty-first legislative day, was tabled.

Yeas 56; Nays 41.

*Yeas:*

Messrs.: Albright, Andrews, Baker, Barron, Boles, Buskey, Callahan, Cates, Coburn, Crawford, Dial, Edwards, Glass, Goodwin, Greer, Gregg, Hall, Harrison, Hill, Hilliard, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kennedy, Lee, Leonard, McNees, Martin, Merrill, Porter, Quarles, Reed, Rich, Roberts, Sandusky, Shoemaker, Smith (B), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Tucker, Turnham, Warren, Weeks, Whatley, Williams, Wyatt and Younce.

—56

*Nays:*

Mr. Speaker, Armstrong, Biddle, Brindley, Campbell, Carothers, Clark, Cross, Crowe, Drake, Falkenburg, Folmar, Ford, Gafford, Harris, Hines, Jackson (F), Kelley, Killian, Kinsey, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, Manley, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Riddick, Robertson, Sasser, Sparks, Venable, Waggoner and White.

—41

## AMENDMENT OFFERED

Mr. Killian offered the following amendment to the bill, H. 11 as amended:

Amend H. B. 11 by inserting the following words at the end of the sentence on line 17:

“as soon as all of the provisions of the ‘Exceptional Child Education Act’ have been fully implemented.”

And also by striking the words “beginning with the school year 1977-78.” where they appear on lines 21 and 22 and substituting in lieu thereof the following:

“as soon as all the provisions of the ‘Exceptional Child Education Act’ have been fully implemented.”

## H. 11 POSTPONED

On motion of Mr. Callahan, the bill, H. 11 as amended and with pending amendment, was postponed to the sixteenth legislative day.

Yeas 65; Nays 30.

*Yeas:*

Mr. Speaker, Armstrong, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Crawford, Cross, Drake, Edwards,



## 12th Day

Folmar, Ford, Gafford, Glass, Gregg, Hill, Hines, Holmes (A), Holmes (D), Hopping, Jackson (F), Jackson (R), Johnstone, Kelley, Kennedy, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, Martin, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Sparks, Starkey, Taylor, Tucker, Venable, Waggoner, Weeks, White and Younce.

—65

*Nays:*

Messrs.: Albright, Andrews, Baker, Barron, Boles, Crowe, Dial, Falkenburg, Goodwin, Greer, Hall, Harris, Harrison, Hilliard, Holley, Howard, Johnson, Jolly, Leonard, McNees, Merrill, Morris, Robertson, Smith (M), Sonnier, Turnham, Warren, Whatley, Williams and Wyatt.

—30

## MOTION TO ADJOURN LOST

The motion offered by Mr. Manley that the House adjourn until two o'clock p.m., Tuesday, March 22, 1977, was lost.

Yeas 35; Nays 55.

*Yeas:*

Messrs.: Barron, Boles, Brindley, Cates, Clark, Crawford, Cross, Drake, Folmar, Ford, Glass, Harris, Hopping, Howard, Johnson, Kennedy, Lee, Lewis, McCulley, McNair, Manley, Merrill, Moore (W), Morris, Pegues, Porter, Robertson, Sasser, Smith (M), Sparks, Starkey, Taylor, Turnham, Warren and Williams.

—35

*Nays:*

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Dial, Falkenburg, Gafford, Greer, Hall, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Jackson (F), Jackson (R), Johnstone, Jolly, Killian, Kinsey, Leonard, Lockett, Lutz, McCluskey, McMillan, McNees, Martin, Moore (O), Naramore, Owens, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Shelton, Shoemaker, Smith (B), Smith (J), Sonnier, Tucker, Venable, Waggoner, Whatley, White and Wyatt.

—55

## RESOLUTION

The following resolution was introduced:

By Mr. McCluskey:

H. R. 356. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That House Rule 1 be amended to read as follows:

Rule 1. The doorkeeper shall, one hour before the hour fixed for the meeting of the House, clear the House of all persons not entitled to the floor. The doors of each house shall be opened except on such occasions as, in the opinion of the House, may require secrecy, but no person shall be admitted to the floor of either House while the same is in session, except members of the legislature, and the spouses of current members of the House, the officers and employees of the two Houses, the governor and his secretary, representatives of the press who shall be placed by the Clerk of the House, and other persons to whom either House, by unanimous vote, may extend the privileges of its floor; provided, however, that in addition on the first legislative day

of any regular or special session the families of the members of the House shall have the privilege of the floor, for that legislative day only.

(1) When former members are on the floor of the House, they shall not be engaged in any lobbying activities.

(2) This rule shall be enforced by the Clerk of the House with or without the suggestion of any member of the House.

#### SUBSTITUTE OFFERED

Mr. Moore (O) offered the following substitute to the resolution, H. R. 356:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That House Rule 1 be amended to read as follows:

"Rule 1. The doorkeeper shall, one hour before the hour fixed for the meeting of the House, clear the House of all persons not entitled to the floor. The doors of each House shall be opened except on such occasions as, in the opinion of the House, may require secrecy, but no person shall be admitted to the floor of either House while the same is in session, except members of the legislature, and the spouses of current members of the House, the officers and employees of the two Houses, the governor and his secretary, representatives of the press who shall be placed by the Clerk of the House in a designated area and who shall not leave such designated area except to enter and leave the Houses, the governor and his secretary, representatives of the press meet the minimum standards of dress as apply to members of the legislature, and other persons to whom either House, by unanimous vote, may extend the privileges of its floor; provided, however, that in addition on the first legislative day of any regular or special session the families of the members of the House shall have the privilege of the floor, for that legislative day only.

(1) When former members are on the floor of the House, they shall not be engaged in any lobbying activities.

(2) This rule shall be enforced by the Clerk of the House with or without the suggestion of any member of the House.

#### RESOLUTION POSTPONED

On motion of Mr. Callahan, the resolution, H. R. 356 with pending substitute, was postponed to the thirteenth legislative day.

Yeas 66; Nays 21.

#### Yeas:

Messrs.: Albright, Andrews, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Coburn, Dial, Falkenburg, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McNair, McNees, Manley, Merrill, Moore (W), Morris, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Starkey, Taylor, Tucker, Turnham, Venable, Warren, Weeks, Whatley, Williams and Younce.

—66

#### Nays:

Messrs.: Armstrong, Barron, Brindley, Clark, Crawford, Cross, Edwards, Gafford, Holley, Jolly, Lee, McMillan, Martin, Moore (O), Naramore, Roberts, Robertson, Shoemaker, Waggoner, White and Wyatt.

—21

BILLS ON THIRD READING RESUMED

And the bill:

H. 326. (With Substitute): To amend Section 33, Act 100 Second Special Session 1959, to exempt food purchased for human consumption that will be prepared and consumed off premises.

Having been postponed on the seventh legislative day with pending substitute, was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 33, Act 100 Second Special Session 1959, to exempt food purchased for human consumption that will be prepared and consumed off premises and also to exempt prescription drugs.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 33 of Act 100 of the Second Special Session 1959 Legislature is amended to read as follows:

"Section 33. There are exempted from the provisions of this Act and from the computation of the amount of the tax levied, assessed or payable under this Act the following:

(a) The gross proceeds of the sales of lubricating oil and gasoline as defined in Sections 630 and 646 of Title 51, Code 19, which are otherwise taxed.

(b) The gross proceeds of the sale, or sales, of fertilizer. The word "fertilizer" shall not be construed to include cotton-seed meal, when not in combination with other materials.

(c) The gross proceeds of the sale, or sales, of seeds for planting purposes and baby chicks and poults. Nothing herein shall be construed to exempt, or exclude from the computation of the tax levied, assessed or payable, the gross proceeds of the sale or sales of plants, seedlings, nursery stock or floral products.

(d) The gross proceeds of sales of insecticides and fungicides and feed for livestock and poultry (but not including prepared foods for dogs or cats).

(e) The gross proceeds of sales of all livestock by whomsoever sold; and also the gross proceeds of poultry and other products of the farm, dairy, grove or garden, when in the original state of production or condition of preparation for sale, when such sale or sales are made by the producer or members of his immediate family or for him by those employed by him to assist in the production thereof. Nothing herein shall be construed to exempt or exclude from the measure or computation of the tax levied, assessed or payable hereunder, the gross proceeds of sales of poultry or poultry products when not products of the farm.

(f) Cottonseed meal exchanged for cottonseed at or by cotton gins.

(f-1) The gross receipts from the business of which, or for engaging in which a license or privilege tax is levied by or under the provisions of Sections 177-180, 182-184, and 186 of Title 51, Code of Alabama 1940. Provided, however, that nothing contained in this subsection shall be construed to exempt or relieve the person or persons operating the business enumerated in said Sections from the payments of the tax levied by this bill upon or measured by the gross proceeds of sales of any tangible personal property (except gas and water, the gross receipts from the sale of which are the measure of the tax levied by said Section 177) merchandise or other tangible commodities sold at retail by said persons, unless the gross proceeds of sale thereof are otherwise specifically exempted by the provisions of this bill.

(f-2) The gross proceeds of sales or gross receipts, of or by, any person, firm or corporation, from the sale of transportation, gas, water or electricity, of the kinds and natures, the rates and charges for which, when sold by public utilities, are customarily fixed and determined by the public service commission of Alabama or like regulatory bodies.

(g) The gross proceeds of the sale, or sales of coal or coke to manufacturers, electric power companies and transportation companies for use or consumption in the production of by-products, or the generation of heat or power used in manufacturing tangible personal property for sale, for the generation of electric power or energy for use in manufacturing tangible personal property for sale or for re-sale, or for the generation of motive power for transportation.

(h) The gross proceeds from the sale or sales of fuel and supplies for use or consumption aboard ships and towing vessels plying the high seas or gulf intracoastal waterway either in intercoastal trade between ports in the State of Alabama and ports in other states of the United States or its possessions or in foreign commerce between ports in the State of Alabama and ports in foreign countries. Provided, however, that nothing in this Act shall be construed to exempt or exclude from the measure of the tax herein levied the gross proceeds of sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repair, or reconditioning of vessels, barges, ships and other watercraft of fifty tons burden or less.

(i) The gross proceeds of sales of tangible personal property to the State of Alabama, to the counties within the State, and to incorporated municipalities of the State of Alabama.

(j) The gross proceeds of the sale or sales of railroad cars, and vessels and barges of more than fifty tons burden, when sold by the manufacturers or builders thereof.

(k) The gross proceeds of the sale or sales of materials, equipment and machinery which enter into and become a component part of ships, vessels or barges of more than fifty tons burden, constructed or built within the state.

(l) The gross proceeds of the sale or sales of fuel oil purchased as fuel for kiln use in manufacturing establishments.

(m) The gross proceeds of the sale or sales of tangible personal property to county and city school boards and independent school boards as defined by Senate Bill No. 20 of the 1959 Second Special Session of the Legislature of Alabama and all educational institutions and agencies of the State of Alabama, the counties within the State, or any incorporated municipality of the State of Alabama.

REGULAR SESSION  
12th Day

759

(n) The gross proceeds from the sale of all devices or facilities (and all identifiable components thereof or materials for use therein) acquired primarily for the control, reduction or elimination of air or water pollution and the gross proceeds from the sale of all identifiable components of or materials used or intended for use in structures built primarily for the control, reduction or elimination of air or water pollution.

(o) The gross proceeds of sales of food purchased for human consumption that will be prepared and consumed off said premises.

(p) The gross proceeds of the sale of prescription drugs.

Section 2. This Act shall become effective October 1, 1978 after its passage and approval by the Governor or its otherwise becoming a law.

And the substitute was adopted.

Yeas 78; Nays 14.

Yeas:

Mr. Speaker, Albright, Armstrong, Biddle, Callahan, Carothers, Carter, Cates, Clark, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Hill, Hines, Holmes (A), Holmes (D), Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Younce.

—78

Nays:

Messrs.: Andrews, Baker, Barron, Boles, Buskey, Hall, Harrison, Hilliard, Holley, Hopping, Jackson (R), Kennedy, Turnham and Wyatt.

—14

SUBSTITUTE OFFERED

Mr. Greer offered the following substitute to the bill, H. 326 as amended:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 33, Act 100 Second Special Session 1959, to exempt food purchased for human consumption that will be prepared and consumed off premises and also to exempt prescription drugs.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 33 of Act 100 of the Second Special Session 1959 Legislature is amended to read as follows:

"Section 33. There are exempted from the provisions of this Act and from the computation of the amount of the tax levied, assessed or payable under this Act the following:

(a) The gross proceeds of the sales of lubricating oil and gasoline as defined in Sections 630 and 646 of Title 51, Code 19, which are otherwise taxed.

(b) The gross proceeds of the sale, or sales, of fertilizer. The word "fertilizer" shall not be construed to include cotton-seed meal, when not in combination with other materials.

(c) The gross proceeds of the sale, or sales, of seeds for planting purposes and baby chicks and poults. Nothing herein shall be construed to exempt, or exclude from the computation of the tax levied, assessed or payable, the gross proceeds of the sale or sales of plants, seedlings, nursery stock or floral products.

(d) The gross proceeds of sales of insecticides and fungicides and feed for livestock and poultry (but not including prepared foods for dogs or cats).

(e) The gross proceeds of sales of all livestock by whomsoever sold; and also the gross proceeds of poultry and other products of the farm, dairy, grove or garden, when in the original state of production or condition of preparation for sale, when such sale or sales are made by the producer or members of his immediate family or for him by those employed by him to assist in the production thereof. Nothing herein shall be construed to exempt or exclude from the measure or computation of the tax levied, assessed or payable hereunder, the gross proceeds of sales of poultry or poultry products when not products of the farm.

(f) Cottonseed meal exchanged for cottonseed at or by cotton gins.

(f-1) The gross receipts from the business of which, or for engaging in which a license or privilege tax is levied by or under the provisions of Sections 177-180, 182-184, and 186 of Title 51, Code of Alabama 1940. Provided, however, that nothing contained in this subsection shall be construed to exempt or relieve the person or persons operating the business enumerated in said Sections from the payments of the tax levied by this bill upon or measured by the gross proceeds of sales of any tangible personal property (except gas and water, the gross receipts from the sale of which are the measure of the tax levied by said Section 177) merchandise or other tangible commodities sold at retail by said persons, unless the gross proceeds of sale thereof are otherwise specifically exempted by the provisions of this bill.

(f-2) The gross proceeds of sales or gross receipts, of or by, any person, firm or corporation, from the sale of transportation, gas, water or electricity, of the kinds and natures, the rates and charges for which, when sold by public utilities, are customarily fixed and determined by the public service commission of Alabama or like regulatory bodies.

(g) The gross proceeds of the sale, or sales of coal or coke to manufacturers, electric power companies and transportation companies for use or consumption in the production of by-products, or the generation of heat or power used in manufacturing tangible personal property for sale, for the generation of electric power or energy for use in manufacturing tangible personal property for sale or for re-sale, or for the generation of motive power for transportation.

(h) The gross proceeds from the sale or sales of fuel and supplies for use or consumption aboard ships and towing vessels plying the high seas or gulf intracoastal waterway either in intercoastal trade between ports in the State of Alabama and ports in other states of the United States or its possessions or in foreign commerce between ports in the State of Alabama and ports in foreign countries. Provided, however, that nothing in this Act shall be construed to exempt or exclude from the measure of the tax herein levied the gross proceeds of sale or sales of material and supplies to any person for use in fulfilling a contract

REGULAR SESSION  
12th Day

761

for the painting, repair, or reconditioning of vessels, barges, ships and other watercraft of fifty tons burden or less.

(i) The gross proceeds of sales of tangible personal property to the State of Alabama, to the counties within the State, and to incorporated municipalities of the State of Alabama.

(j) The gross proceeds of the sale or sales of railroad cars, and vessels and barges of more than fifty tons burden, when sold by the manufacturers or builders thereof.

(k) The gross proceeds of the sale or sales of materials, equipment and machinery which enter into and become a component part of ships, vessels or barges of more than fifty tons burden, constructed or built within the state.

(l) The gross proceeds of the sale or sales of fuel oil purchased as fuel for kiln use in manufacturing establishments.

(m) The gross proceeds of the sale or sales of tangible personal property to county and city school boards and independent school boards as defined by Senate Bill No. 20 of the 1959 Second Special Session of the Legislature of Alabama and all educational institutions and agencies of the State of Alabama, the counties within the State, or any incorporated municipality of the State of Alabama.

(n) The gross proceeds from the sale of all devices or facilities (and all identifiable components thereof or materials for use therein) acquired primarily for the control, reduction or elimination of air or water pollution and the gross proceeds from the sale of all identifiable components of or materials used or intended for use in structures built primarily for the control, reduction or elimination of air or water pollution.

(o) The gross proceeds of the sale of prescription drugs.

Section 2. This Act shall become effective October 1, 1978 after its passage and approval by the Governor or its otherwise becoming a law.

SUBSTITUTE TABLED

On motion of Mr. Turnham, the substitute offered by Mr. Greer to the bill, H. 326 as amended, was tabled.

Yeas 76; Nays 13.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Carothers, Carter, Clark, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Hall, Harris, Harrison, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kinsey, Lee, Leonard, McCluskey, McCulley, McMillan, McNees, Merrill, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Tucker, Turnham, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—76

Nays:

Messrs.: Campbell, Ford, Greer, Gregg, Hill, Jackson (F), Killian, Lockett, Lutz, Manley, Martin, Smith (B) and Venable.

—13

## AMENDMENT OFFERED

Mr. Killian offered the following amendment to the bill, H. 326 as amended:

Amend Substitute for Substitute to H. B. 326 as follows:

On page 1, in the Synopsis, on line 6 after the word "exempt" add the following:

certain persons from paying sales tax on

On page 1 in the title, on line 12, after the word "exempt" add the following:

certain persons from paying sales tax on

On page 3, after line 29 add the following:

the exemptions set forth in subsections (o) and (p) above shall apply only to persons who are 65 years of age or older.

## AMENDMENT TABLED

On motion of Mr. Turnham, the amendment offered by Mr. Killian to the bill, H. 326 as amended, was tabled.

Yeas 88; Nays 7.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Clark, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harrison, Hill, Hilliard, Holley, Holmes (A), Holmes (D), Hopping Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams, Wyatt and Younce.

—88

Nays:

Messrs.: Dial, Gregg, Harris, Killian, Manley, Moore (W) and Quarles.

—7

## UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Campbell, Greer, Rich, Baker, Crawford and Smith (B) to be removed as co-sponsors to the bill, H. 326.

## UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Sonnier and Younce to be added as co-sponsors to the bill, H. 326.

## MOTION TO POSTPONE TABLED

On motion of Mr. McCorquodale, the motion offered by Mr. Turnham to postpone further consideration of the bill, H. 326 as amended, to the twenty-seventh legislative day, was tabled.



REGULAR SESSION  
12th Day

763

Yeas 74; Nays 19.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Crawford, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hill, Hines, Holmes (D), Jackson (F), Jolly, Kelley, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Venable, Waggoner, Weeks, Whatley, White, Williams and Younce.

—74

*Nays:*

Messrs.: Andrews, Barron, Boles, Buskey, Hall, Harrison, Hilliard, Holley, Holmes (A), Hopping, Jackson (R), Johnson, Johnstone, Lee, Leonard, McNair, Riddick, Turnham and Wyatt.

—19

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Mr. Turnham to indefinitely postpone the bill, H. 326 as amended, was lost.

Yeas 31; Nays 61.

*Yeas:*

Messrs.: Albright, Andrews, Barron, Brindley, Buskey, Campbell, Edwards, Hall, Harrison, Hill, Hilliard, Holley, Holmes (A), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Lee, Leonard, Lockett, McNair, Porter, Rich, Shoemaker, Sparks, Tucker, Turnham, Whatley and Wyatt.

—31

*Nays:*

Mr. Speaker, Armstrong, Baker, Biddle, Callahan, Carothers, Carter, Cates, Clark, Crawford, Cross, Crowe, Dial, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Gregg, Harris, Hines, Holmes (D), Jolly, Kelley, Killian, Kinsey, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (J), Smith (M), Sonnier, Starkey, Taylor, Venable, Waggoner, Weeks, White, Williams and Younce.

—61

SUBSTITUTE OFFERED

Mr. Boles offered the following substitute to the bill, H. 326 as amended:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 33, Act 100 Second Special Session 1959, to exempt food purchased for human consumption that will be prepared and consumed off premises and also to exempt prescription drugs.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 33 of Act 100 of the Second Special Session 1959 Legislature is amended to read as follows:

"Section 33. There are exempted from the provisions of this Act and from the computation of the amount of the tax levied, assessed or payable under this Act the following:

(a) The gross proceeds of the sales of lubricating oil and gasoline as defined in Sections 630 and 646 of Title 51, Code 19, which are otherwise taxed.

(b) The gross proceeds of the sale, or sales, of fertilizer. The word "fertilizer" shall not be construed to include cotton-seed meal, when not in combination with other materials.

(c) The gross proceeds of the sale, or sales, of seeds for planting purposes and baby chicks and poults. Nothing herein shall be construed to exempt, or exclude from the computation of the tax levied, assessed or payable, the gross proceeds of the sale or sales of plants, seedlings, nursery stock or floral products.

(d) The gross proceeds of sales of insecticides and fungicides and feed for livestock and poultry (but not including prepared foods for dogs or cats).

(e) The gross proceeds of sales of all livestock by whomsoever sold; and also the gross proceeds of poultry and other products of the farm, dairy, grove or garden, when in the original state of production or condition of preparation for sale, when such sale or sales are made by the producer or members of his immediate family or for him by those employed by him to assist in the production thereof. Nothing herein shall be construed to exempt or exclude from the measure or computation of the tax levied, assessed or payable hereunder, the gross proceeds of sales of poultry or poultry products when not products of the farm.

(f) Cottonseed meal exchanged for cottonseed at or by cotton gins.

(f-1) The gross receipts from the business of which, or for engaging in which a license or privilege tax is levied by or under the provisions of Sections 177-180, 182-184, and 186 of Title 51, Code of Alabama 1940. Provided, however, that nothing contained in this subsection shall be construed to exempt or relieve the person or persons operating the business enumerated in said Sections from the payments of the tax levied by this bill upon or measured by the gross proceeds of sales of any tangible personal property (except gas and water, the gross receipts from the sale of which are the measure of the tax levied by said Section 177) merchandise or other tangible commodities sold at retail by said persons, unless the gross proceeds of sale thereof are otherwise specifically exempted by the provisions of this bill.

(f-2) The gross proceeds of sales or gross receipts, of or by, any person, firm or corporation, from the sale of transportation, gas, water or electricity, of the kinds and natures, the rates and charges for which, when sold by public utilities, are customarily fixed and determined by the public service commission of Alabama or like regulatory bodies.

(g) The gross proceeds of the sale, or sales of coal or coke to manufacturers, electric power companies and transportation companies for use or consumption in the production of by-products, or the generation of heat or power used in manufacturing tangible personal property for sale, for the generation of electric power or energy for use in manufacturing tangible personal property for sale or for re-sale, or for the generation of motive power for transportation.

(h) The gross proceeds from the sale or sales of fuel and supplies for use or consumption aboard ships and towing vessels plying the high seas or gulf intracoastal waterway either in intercoastal trade between ports in the State of Alabama and ports in other states of the United States or its possessions or in foreign commerce between ports in the State of Alabama and ports in foreign countries. Provided, however, that nothing in this Act shall be construed to exempt or exclude from the measure of the tax herein levied the gross proceeds of sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repair, or reconditioning of vessels, barges, ships and other watercraft of fifty tons burden or less.

(i) The gross proceeds of sales of tangible personal property to the State of Alabama, to the counties within the State, and to incorporated municipalities of the State of Alabama.

(j) The gross proceeds of the sale or sales of railroad cars, and vessels and barges of more than fifty tons burden, when sold by the manufacturers or builders thereof.

(k) The gross proceeds of the sale or sales of materials, equipment and machinery which enter into and become a component part of ships, vessels or barges of more than fifty tons burden, constructed or built within the state.

(l) The gross proceeds of the sale or sales of fuel oil purchased as fuel for kiln use in manufacturing establishments.

(m) The gross proceeds of the sale or sales of tangible personal property to county and city school boards and independent school boards as defined by Senate Bill No. 20 of the 1959 Second Special Session of the Legislature of Alabama and all educational institutions and agencies of the State of Alabama, the counties within the State, or any incorporated municipality of the State of Alabama.

(n) The gross proceeds from the sale of all devices or facilities (and all identifiable components thereof or materials for use therein) acquired primarily for the control, reduction or elimination of air or water pollution and the gross proceeds from the sale of all identifiable components of or materials used or intended for use in structures built primarily for the control, reduction or elimination of air or water pollution.

(o) The gross proceeds of sales of food purchased for human consumption that will be prepared and consumed off said premises. Annually all persons 65 years and older or who are blind or who are disabled shall present proof of age to the county tax collector and be issued food sales tax exemption stamps permitting them to purchase up to \$25 per week of food which shall be exempted from state sales tax only.

Section 2. This Act shall become effective October 1, 1978 after its passage and approval by the Governor or its otherwise becoming a law.

#### SUBSTITUTE TABLED

On motion of Mr. Turnham, the substitute offered by Mr. Boles to the bill, H. 326 as amended, was tabled.

Yeas 83; Nays 6.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Buskey, Callahan, Carothers, Carter, Clark, Crawford, Cross, Crowe, Dial, Drake,

Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Harrison, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—83

*Nays:*

Messrs.: Boles, Hall, Hill, Holmes (A), McNair and Tucker.

—6

And the bill:

H. 326. To amend Section 33, Act 100 Second Special Session 1959, to exempt food purchased for human consumption that will be prepared and consumed off premises and also to exempt prescription drugs.

As thus amended, was read a third time at length and lost.

Yeas 21; Nays 77.

*Yeas:*

Mr. Speaker, Armstrong, Biddle, Callahan, Crowe, Falkenburg, Gafford, Glass, Gregg, Harris, McCulley, Moore (O), Moore (W), Morris, Owens, Robertson, Sandusky, Smith (M), Sonnier, Taylor and Weeks.

—21

*Nays:*

Messrs.: Albright, Andrews, Baker, Barron, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Crawford, Cross, Dial, Drake, Edwards, Folmar, Ford, Goodwin, Greer, Hall, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Manley, Martin, Merrill, Naramore, Pegues, Plaster, Porter, Reed, Rich, Riddick, Roberts, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Sparks, Starkey, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—77

#### MOTION TO SUSPEND RULES

Mr. Callahan offered the motion to suspend the rules in order to take up out of order the bill, S. 158.

#### CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:25 A. M. on March 10, 1977:

H. J. R. 110  
H. J. R. 297  
H. J. R. 122  
H. J. R. 128

REGULAR SESSION  
12th Day

767

H. J. R. 129  
H. J. R. 131  
H. J. R. 132  
H. J. R. 160  
H. J. R. 162  
H. J. R. 177  
H. J. R. 178  
H. J. R. 181  
H. J. R. 182  
H. J. R. 207  
H. J. R. 295  
H. J. R. 296  
H. J. R. 308  
H. J. R. 314  
H. J. R. 179  
H. 398

JOHN W. PEMBERTON,  
Clerk.

ADJOURNMENT

On motion of Mr. Lutz and pursuant to the resolution, H R.. 335 heretofore adopted, the House adjourned until 2:00 o'clock p.m., Tuesday, March 22, 1977.

Yeas 54; Nays 40.

*Yeas:*

Messrs.: Albright, Andrews, Baker, Barron, Boles, Brindley, Buskey, Carter, Cates, Clark, Crawford, Cross, Drake, Edwards, Folmar, Ford, Goodwin, Hall, Harrison, Hilliard, Holmes (A), Hopping, Howard, Jackson (F), Johnson, Jolly, Kelley, Kennedy, Lee, Lewis, Lockett, Lutz, McCulley, McNair, Manley, Martin, Merrill, Moore (W), Morris, Quarles, Reed, Rich, Sasser, Shelton, Smith (M), Sparks, Starkey, Taylor, Tucker, Turnham, Weeks, Whatley, Williams and Wyatt.

—54

*Nays:*

Mr. Speaker, Armstrong, Biddle, Callahan, Campbell, Carothers, Crowe, Dial, Gafford, Glass, Greer, Gregg, Harris, Hill, Hines, Holley, Holmes (D), Johnstone, Killian, Kinsey, Leonard, McCluskey, McMillan, McNees, Naramore, Owens, Pegues, Plaster, Porter, Roberts, Robertson, Sandusky, Smith (B), Smith (C), Smith (J), Sonnier, Venable, Waggoner, Warren and Younce.

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THIRTEENTH DAY

House of Representatives  
Montgomery, Alabama  
Tuesday, March 22, 1977

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Wayne Burns, Pastor, Mignon Baptist Church, Sylacauga, Alabama.

## ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNair, McNeese, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

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A quorum was present.

## REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twelfth legislative day and finds the same to be correct.

TOM DRAKE,  
Chairman.

On motion of Mr. Manley, the reading at length of the Journal of the House for the twelfth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twelfth legislative day was approved.

## LEAVES OF ABSENCE

At the request of Mr. Wyatt, leave of absence was granted for Mr. Holmes (A), due to a death in the family.

At the request of Mr. Manley, leave of absence was granted for Mr. Lutz, due to a death in the family.

## RESOLUTION

The following resolution was introduced:

By Mr. Johnstone:

H. R. 357. COMMENDING THE SIGNIFICANT IMPROVEMENT OF MENTAL COMMITMENT PROCEDURES IN ALABAMA AND PROMOTING MEASURES FOR CONTINUED IMPROVEMENTS.

WHEREAS, during the current quadrennium the House of Representatives has originated and passed several measures greatly improving mental commitment procedures in our great State; and

WHEREAS, pursuant to these measures, our courts and mental institutions have responded in an admirable, equitable, and beneficial manner; and

WHEREAS, only a few defects in such procedures remain to be corrected:

NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That the great progress of this State in this vital and sensitive field is hereby commended, and, to effect the few remaining necessary corrections, H. B. 266 is hereby promoted to the top of the Calendar of the House of Representatives to be considered and treated as the first, paramount, and continuing order of business and to take priority over any special order calendar hereafter adopted and to be considered from day to day immediately after the call of the districts and before the consideration of any other legislation, until said bill is passed.

On motion of Mr. Johnstone, the rules were suspended and the resolution, H. R. 357, was adopted.

#### BILLS ON SECOND READING

Mr. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 947. To amend Paragraph 12 of Section 10-105, Act No. 549, Acts of Alabama, 1965 Regular Session of the Alabama Legislature (Title 51, §619, Code of Alabama) so as to provide an alternative procedure for the recording of instruments on which there may be future indebtedness by any owner which is a bank or savings and loan association organized and established under the laws of the State of Alabama and the United States.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 539. Relating to Winston County; providing for a county supplement for the district judge, and making the supplement retroactive to January 16, 1977.

H. 540. Relating to Winston County; providing that the district judge in such county may employ a secretary and establishing her salary; providing that such salary shall be paid from the county funds and shall be retroactive to January 16, 1977.

H. 944. To provide further for the selection of textbooks and instructional materials for use in the public schools in any county having a population of not less than 10,660 nor more than 10,900 according to the 1970 or any subsequent federal decennial census.

H. 946. Relating to counties having populations of not less than 10,660 nor more than 10,900, according to the 1970 or any subsequent federal decennial census; allowing the county governing bodies of such counties to prepare certain building sites and to build and maintain access roads provided any such access road joins a county or state road or highway.

H. 972. Relating to the office of supernumerary sheriff in any county having a population of not less than 24,900 nor more than 25,150 according to the 1970 or any subsequent federal decennial census; repealing Act No. 184, S. 89, 1975 Third Special Session (Acts of 1975, p. 457).

H. 973. Relating to the office of supernumerary county commissioner in any county having a population of not less than 24,900 nor more

than 25,150 according to the 1970 or any subsequent federal decennial census, to repeal Act No. 443, S. 529, 1973 Regular Session (Acts of 1973, p. 634); Act No. 451, S. 659, 1973 Regular Session (Acts of 1973, p. 638); Act No. 30, H. 13, 1975 First Special Session (Acts of 1975, p. 80) and Act No. 375, H. 972, 1975 Regular Session (Acts of 1975, p. 925).

H. 977. To regulate further the payment of expense allowances to the members of the Coffee County Commission; and to give this act retroactive effect.

H. 985. To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama; providing for the repeal of all laws or parts of laws in conflict herewith; and prescribing the time when this act shall become effective.

S. 161. To regulate the expense allowances in the Twenty-Fifth Judicial Circuit for circuit judges and the district attorney; and to make the provisions of this Act retroactive to January 16, 1977.

H. 938. Relating to any county having a population of not less than 16,600 nor more than 16,950 according to the 1970 or any subsequent federal decennial census; providing an expense allowance for the sheriff in any such county.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 976. (With Amendments): Relating to Coffee County; to further implement Section 9 of Act No. 160, 1971, and provide the Coffee County Commission the authority to employ appraisers, mappers, and clerical personnel to maintain current evaluation of all real property and valuation of personal property.

#### INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Messrs. McNair and Andrews:

H. 1014. Relating to counties having populations of 600,000 or more inhabitants according to the 1970 or any subsequent federal decennial census; to prohibit the display of obscene, lewd or indecent publications or materials in places frequented by minors in such counties; to define terms; to prescribe penalties.

Local Legislation No. 2.

By Mr. Owens (With Notice and Proof):

H. 1015. Relating to Bibb County; amending the title and Section 4 of Act No. 1381, H. 2294 of the 1971 Regular Session (Acts 1971, Vol. III, p. 2327), as amended, which act pertains to the governing body of the county, so as to reflect matters of compensation in the title and to increase the monthly salary of certain commissioners, payable from the county treasury.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1015, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK



By Mr. Owens:

H. 1016. To comply with the Omnibus Crime Control and Safe Streets Act of 1968, (PL 90-351), as amended and establishes the ALABAMA LAW ENFORCEMENT PLANNING AGENCY.

Ways and Means.

By Mr. Glass:

H. 1017. To amend the title and Sections 2 and 3 of Act No. 653, H. 589, 1975 Regular Session (Acts of 1975, p. 1410) relating to voter registration and reidentification in all counties having populations of not less than 300,000 nor more than 600,000 according to the 1970 or any subsequent decennial census, so as to require members of the Board of Registrars to be available to colleges in areas within such county for voter registration and reidentification purposes upon the request of the House of Representatives member who represents such area with the concurrence of the Senate member who represents such area; to provide transportation for the members of the board of registrars to and from places where any registration is being conducted, and to provide an increase in compensation for each member of the board.

Local Legislation No. 3.

By Mr. Cates (With Notice and Proof):

H. 1018. Relating to Butler County; to amend Sections 1 and 3 of Act No. 942, H. 1828, 1975 Regular Session (Acts of 1975, p. 1968) relating to salaries for certain county officers, so as to delete the provisions relating to circuit clerk and to add a provision for expense allowances.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1018, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Cates (With Notice and Proof):

H. 1019. Relating to Butler County; relating to service of process by the sheriff of Butler County; authorizing the sheriff to mail subpoenas for witnesses and for jury duty, grand and petit, and notices of appointment to election officials by certified mail, postage prepaid; and authorizing the county governing body to make expenditures from the county general fund for such purposes.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1019, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Rich, Ford and Taylor (With Notice and Proof):

H. 1020. To authorize the board of education of Etowah County to borrow money for capital outlay purposes for the county school system and to pledge to the repayment thereof the revenues derived from the county tax on the sale of malt or brewed beverages in the county; to regulate the procedure for obtaining loans and the use of the proceeds thereof; to prescribe the time within which the loan must be repaid; and

to provide for the payment of any outstanding indebtedness should the county cease, at any time in the future, to be a "wet" county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1020, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Jackson (F), Holley and Smith (J):

H. 1021. Relating to all counties having a population of not less than 34,000 nor more than 34,800 inhabitants according to the 1970 or any subsequent federal decennial census, to provide for the appointment of a county engineer and to prescribe his qualifications and duties.

Local Legislation No. 1.

By Mr. Callahan:

H. 1022. To amend Act No. 826 adopted at the 1973 Regular Session of the Legislature of Alabama so as to provide that the cost of an improvement shall include expenses necessary for the financing thereof, including fiscal advisory services; to provide that any temporary note may run for a period of one year or until six months after the date on which it is estimated assessments will be made final, whichever shall be the longer period; to provide that in certain circumstances bonds issued thereunder may be payable in annual installments, the first installment of principal of which shall be no later than eighteen months after the date on which assessments are estimated to be made final and that principal maturities on such bonds may be so fixed that no installment of principal and interest coming due on such bonds in any calendar year after the year of the first principal maturity is more than \$5,000 greater than the installments of principal and interest coming due in any subsequent year during which such bonds will be outstanding; to provide that any bonds issued thereunder may be sold at either public or private sale; to provide for the severability of the provisions of this act; and to provide for the effective date of this act.

Ways and Means.

By Messrs. Shelton and Merrill:

H. 1023. To provide that any public corporation heretofore or hereafter incorporated and existing under the provisions of Act No. 109, H. 148 of the 1961 Regular Session, as amended, [1961 Acts, p. 134; appearing in Code of Alabama 1940, Recompiled 1958, Title 22, Section 204 (41a)], is authorized and empowered to lease any hospital, building or facility constructed and equipped under the provisions of such act to any public corporation or any non-profit corporation. No rights under the terms of any contract shall be abrogated nor shall any security for the fulfillment of any obligation be jeopardized by the provisions of this act.

Local Government.

By Messrs. Smith (M) and Turnham (With Notice and Proof):

H. 1024. To authorize the Chambers County Commission to regulate the minimum size of lots and the planning and construction of all public streets, public roads, and drainage structures located or to be located in subdivisions of land situated outside the corporate limits of any municipality in Chambers County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1024, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Smith (M) and Turnham (With Notice and Proof):

H. 1025. Relating to Chambers County, authorizing the county governing body, in its discretion, to allocate available county funds for the payment of travel expenses for county officers who attend professional meetings.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1025, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Sonnier:

H. 1026. Relating to the regulation of the practice of podiatry in Alabama; adding the definition of "podiatrists"; amending the requirements for renewal of licenses; amending Sections 1 and 15 of Act No. 741, S. 388, Regular Session of 1967 (Acts 1967, p. 1586).

Health.

By Messrs. McMillan and Kinsey:

H. 1027. To amend Section 4 of Act No. 515, H. 93, 1945 Regular Session (Acts of 1945, p. 734; now appearing in Code of Alabama Recompiled 1958, Title 55, Section 459) which relates to the Employees' Retirement System of Alabama so as to lower the time period in such section.

Ways and Means.

By Messrs. McMillan and Kinsey:

H. 1028. To establish the Alabama Trails Advisory Council; to set forth the purposes of said council; to describe its duties and establish the membership of said council, and to set the terms and manner of appointment of its members; and to establish additional powers and duties of the Department of Conservation and Natural Resources.

Ways and Means.

By Mr. Roberts:

H. 1029. Proposing an amendment to the Constitution of Alabama providing for the levying and collecting of an additional ad valorem tax for community based mental health and community based mental retardation and other developmental disabilities purposes in the counties of Cullman, Lawrence, Morgan or any one of the said counties.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Manley:

H. 1030. Proposing an amendment to the Constitution of Alabama authorizing the incorporation in Marengo County of port authorities for

the purpose of the development and commercial use of the inland waterways in such county.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Mr. Manley:

H. 1031. To amend Sections 2 and 4 of Act No. 871, S. 795, 1975 Regular Session (Acts 1975, p. 1714) an act which provides for protection for the Governor and certain other State officials and distinguished visitors to the State by the State Department of Public Safety, so as to add the Chief Justice of the Supreme Court of Alabama to the designated officials to be protected.

Judiciary.

By Messrs. Cooper, Glass, Sonnier and Kennedy (With Notice and Proof):

H. 1032. Relating to Mobile County; regulating the purchase, possession, manufacture, distribution and sale of alcoholic beverages; providing for the sale of alcoholic beverages by private businesses; providing for a five-year phase out period of the Alabama alcoholic beverage control board; providing for the liquidation of inventories and facilities of the alcoholic beverage control board in Mobile County, and the distribution of the proceeds therefrom; providing for the issuance of any permits, licenses and the administration of this Act; providing penalties for violations of the provisions of this Act; and repealing conflicting statutes.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1032, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Holmes (D), Merrill, Shelton and Quarles (With Notice and Proof):

H. 1033. To amend Act No. 384, H. 946, 1969 Regular Session (Acts 1969-70, p. 754) which act establishes a civil service system for certain Calhoun County employees, so as to modify the provisions of the act relating to prohibited political activities.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1033, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Edwards:

H. 1034. To further regulate any insurance company licensed to do business in this State which issues policies insuring loss resulting from cancer; and to prescribe penalties for violations of the provisions of this Act.

State Administration.

By Messrs. Turnham and Whatley:

H. 1035. To amend the title and sections 2 and 3 of Act No. 481, H. 1193, 1976 Regular Session (Acts of 1976, p. 597), entitled "To regulate the registration and identification of certain trailers in all counties having a population of not less than 60,000 nor more than 65,000 inhabitants

according to the 1970 or any subsequent federal decennial census and prescribe penalty for violations", so as to change the method of identification, to increase the penalty for failing to pay registration fee at the proper time, to provide for the allocation of revenue received from such penalty, to replace the term house trailer with mobile home and to properly number the sections.

Local Legislation No. 1.

By Messrs. Merrill, Pegues, Weeks, Whatley, Killian, Roberts, Crowe, Cross, Cooper, Moore (W), Turnham, Sasser, Kinsey, McNees, Riddick, Brindley, Edwards, Jackson (F), Younce, Greer, Drake, Folmar, Hopping, Baker, Callahan, Crawford, Gafford, McCorquodale, Shelton, Holmes (D), Manley, Robertson, Sonnier, White, Porter, Biddle, McNair, McMillan, Venable, Cates, Smith (C), Lewis, Harris, Kelley, Sparks, Ford, McCluskey, Quarles, Shoemaker, Dial, Naramore and Carothers:

H. 1036. To appropriate the sum of three million dollars (\$3,000,000) to the State Department of Public Health - Medicaid Account from any funds available in the state treasury to the credit of the Department of Pensions and Security.

Ways and Means.

By Messrs. Williams, Sasser, Crawford and Carothers:

H. 1037. To prohibit junior colleges from owning real estate in excess of one hundred acres; to provide that this restriction shall not apply to any junior college owning in excess of one hundred acres prior to the enactment of this act but prevents such junior college from owning any additional acreage over that amount owned at the time of the enactment of this act; and to exclude from the restriction real estate donated by grant or gift, by will or otherwise.

State Administration.

By Messrs. Moore (O) and Smith (C) (With Notice and Proof):

H. 1038. Relating to the use of explosives in connection with open pit mining operations in Shelby County; authorizing the Shelby County governing body and governing bodies of municipalities within Shelby County to regulate the use of explosives for open pit mining activities within their respective police jurisdictions; providing for strict liability of any person who causes injury or damage to person or property as a result of using explosives in connection with open pit mining operations; prescribing penalties for damages and prescribing the time in which to bring action therefor.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1038, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Reed:

H. 1039. To amend Section 1 of Act No. 286, S. 98, 1951 Regular Session (Acts of 1951, p. 571) now appearing in Title 12, Section 174(1), Code of Alabama 1940, relating to the cost of advertising all local bills so as to prohibit the county governing body from paying the cost of advertising unless such advertising is specifically authorized by a member of the legislature.

State Administration.

By Mr. Callahan (With Notice and Proof):

H. 1040. Relating to Mobile County; to further facilitate the enforcement of state health laws and to abate pollution created through the occupancy of dwellings and structures which have improper or unsanitary sewage collection and disposal systems, plumbing, or unsafe water supply, through the requirement that the owners or occupiers of such dwellings or structures to which such health laws apply obtain a certificate prior to occupancy thereof certifying that such dwelling or structure is in compliance with such applicable health laws from the Mobile County Board of Health, authorizing a fee of five dollars (\$5.00) to be charged to cover the expense of processing such certificates, prohibiting electric utility companies in Mobile County from establishing service to such dwellings or structures until a copy of such certificate is obtained and delivered to the utility company, and providing misdemeanor punishment for violations of the provisions of this act.

**Local Legislation No. 3.**

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1040, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Callahan:

H. 1041. To provide immunity from civil liability in tort for all members of any public board of education in this state for actions occurring while such members are engaged in official business of their respective boards.

**Judiciary.**

By Messrs. Crawford, Sasser and Whatley (With Notice and Proof):

H. 1042. To alter, rearrange, and extend the City Limits and Corporate Limits of the Municipality of Eufaula, in Barbour County, Alabama.

**Local Legislation No. 1.**

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1042, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Brindley, Ford, Rich and Taylor (With Notice and Proof):

H. 1043. To permit banks now or hereinafter situated in, or having a branch in, Etowah County to establish, maintain and operate branch banks and branch offices within the limits of said county for the conduct of a general banking and trust business; and to repeal conflicting laws.

**Local Legislation No. 1.**

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1043, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Venable:

H. 1044. To amend Section 3 of Act No. 516, H. 584, 1955 Regular Session (Acts of 1955, Vol. II, p. 1160; now appearing in Code of Ala-

bama 1940, Recompiled 1958, Title 37, Section 855) which relates to corporations providing medical clinics to allow more than three (3) members on boards of directors.

Local Government.

By Mr. Venable:

H. 1045. To require any state agency, board, commission or committee promulgating directives, rules or regulations which carry the effect and force of law to give reasonable public notice; to provide the manner of notice; to provide interested parties the opportunity for hearings pertaining to any adoption, amendment to or proposed change in such directives, rules or regulations and the right to appeal; to provide for the compilation, indexing, and publication of the rules and regulations; to provide for penalties for the violations of this Act; and to designate this Act the "Administrative Procedures Act."

State Administration.

By Mr. Wyatt (With Notice and Proof):

H. 1046. Relating to Montgomery County; prescribing responsibility for and method of transferring of ownership of a motor vehicle; providing penalties for failure to comply with requirements thereof; authorizing the probate judge, or such other officer performing duties of the probate judge, to charge certain additional fees for completing application forms and for recording change of ownership.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1046, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Wyatt:

H. 1047. To amend Sections 2, 3, 35, and 36 of Act No. 100, S. 68, 1959 Regular Session (Acts of 1959, p. 569), relating to the practice of dentistry so as to require the election of two dental hygienists to the Board of Dental Examiners: to require a dental hygienist to be present for quorum board meetings; to set educational requirements for dental hygienists; and to allow the use of the designation, Registered Dental Hygienists.

Health.

By Mr. Wyatt (With Notice and Proof):

H. 1048. To amend Section 4 of Act No. 356 of the 1973 Session of the Alabama Legislature to allow a former member of the Montgomery County retirement system who becomes reemployed by the County to repay his withdrawn funds and have his previous creditable service re-tored.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1048, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Turnham:

H. 1049. To amend Act No. 582, enacted by the Regular Session of the Legislature, 1963, relating to Radiation Control. The bill requires the

payment of an initial registration fee and an annual licensing fee to the State, to establish a Radiation Control Fund, appropriates collected funds for the present fiscal year, provides penalties for failure to comply. It is the intent of this legislation to provide fees sufficient, in addition to those appropriated by the Legislature from the general fund, to permit inspections of x-ray units in the State a minimum of once every three (3) years and more often when required to qualify for accreditation or when an inspection is indicated for the protection of public health.

Ways and Means.

By Messrs. Pegues and Killian:

H. 1050. To permit the Single State Agency charged with responsibility for administering the Alabama Medicaid Program to contract with fiscal intermediaries for the Medicaid Program for a period not to exceed three years, with or without competitive bidding, and to repeal all statutes in conflict therewith.

Ways and Means.

By Mr. Hill:

H. 1051. To provide that in municipalities of 4,000 population and above no firefighting vehicles or apparatus in this State shall leave the station on call unless certain officers are present; and in case of absence of said personnel, the city fire department shall provide such off-duty personnel; to further provide for exemption up to 4 hours for emergency due to accident and illness of personnel and their families. Cars, service and maintenance vehicles and vehicles to and from service or repair shops shall be exempted from this act.

Local Government.

By Mr. McCorquodale (With Notice and Proof):

H. 1052. Relating to Clarke County, fixing the fee for issuance of a pistol permit by the Sheriff, and providing for the deposit and use of such fees.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1052, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Folmar:

H. 1053. To amend Act No. 42, Sections 1 and 3, First Special Session 1965 (Acts of Alabama Special Session 1965 page 62); now appearing in Title 13, Sections 60(2) and 60(4), Code of Alabama 1940 (Recompiled 1958), respectively, to provide that removal of the deputy clerk of the Supreme Court is removable for cause, and further provide that the salary of said deputy clerk is to be that of Attorney IV under the state merit system.

Ways and Means.

By Messrs. Ford, Rich, Brindley and Taylor (With Notice and Proof):

H. 1054. Relating to Etowah County; to provide for a monthly expense allowance to be paid to all deputies, investigators, jailors, and other full-time employees of the Sheriff's Department.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1054, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK



By Mr. McMillan:

H. 1055. Authorizing any natural gas utility to condemn for its use certain interests in land for the underground storage of natural gas; prescribing certain duties of the state oil and gas board in connection with such condemnation; prescribing the procedure for and placing certain limitations on such condemnation; regulating the underground storage of natural gas and providing for protection of the ownership of stored gas.

State Administration.

By Mr. Albright:

H. 1056. To amend Section 1 of Act No. 1269, S. 896 of the 1973 Regular Session (Acts, 1973, Vol. IV, p. 2113), which section relates to required immunizations of children prior to entry into school, so as to further regulate immunization standards for such children.

Health.

By Messrs. Shelton and Holmes (D):

H. 1057. Providing for the establishment of a family court division of the circuit court of the seventh judicial circuit; prescribing the jurisdiction of such court; providing for the selection, appointment, qualifications, tenure, and compensation of its officers, and administrative and clerical personnel and providing for the transfer of cases from all other courts in such circuit having jurisdiction of juveniles and of domestic relations cases.

Ways and Means.

By Messrs. Robertson, Johnson, Howard and Owens (With Notice and Proof):

H. 1058. To authorize the governing bodies of Tuscaloosa County, the City of Tuscaloosa and the City of Northport to create the Tuscaloosa County Park and Recreation Authority, to appropriate funds to such authority, and to abolish existing park and recreation boards upon the establishment of such authority.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1058, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Kinsey and McMillan:

H. 1059. Relating to counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the 1970 or any subsequent federal decennial census; so as to provide for the regulation of the construction of water wells, within counties to which this act applies, to provide for the licensing of water well drillers, to provide for the promulgation and publication of rules and regulations to effectuate the provisions of this act, creating boards to be known as the County Water Well Standards Boards, to provide for the qualification, appointment and removal of board members and the filling of vacancies and fixing their tenure of office, providing penalties for violation of this act, and repealing conflicting laws.

Local Legislation No. 1.

By Mr. Shelton:

H. 1060. To amend Sections 6 and 19 of Act No. 107, S. 2, 1965 Special Session (Acts of 1965, p. 132; now appearing in Code of Alabama,

Recompiled 1958, Title 50, Sections 83 and 96), as amended, which allows any county to create and incorporate a water authority, so as to increase membership of certain boards and to add an additional requirement where a new or amended authority extends within an existing authority's jurisdiction.

**Local Government.**

By Messrs. Jackson (R) and Harrison:

H. 1061. To create and establish in each municipality in Alabama which has a population of 300,000 or more according to the 1970 or any subsequent federal census, a civil service system, affecting certain personnel whose compensation is now or may hereafter be payable in whole or in part from the public funds of such municipalities; to create a personnel board and director for the supervision and administration of said system; to regulate and define the manner, form and extent of the control, supervision and authority over such personnel and over such municipalities; to provide penalties for the violation of this act and of rules and regulations adopted pursuant thereto.

**Local Legislation No. 2.**

By Messrs. Jackson (R) and Harrison:

H. 1062. To amend further Act No. 284, H. 580, Regular Session 1945 (Acts 1945, p. 376), which act creates a county civil service system in certain counties based on population, so as to exempt the most populous municipality of each such county from the provisions of the act.

**Local Legislation No. 2.**

By Messrs. Manley and Morris:

H. 1063. To provide for appointment and designation of Supernumerary Sheriffs of the several counties within this State; to prescribe qualifications for the participants in such commission as Supernumerary Sheriff; to prescribe regulations and procedures for participation in such commission as Supernumerary Sheriff and to repeal conflicting statutes.

**Local Government.**

**RESOLUTIONS**

The following resolutions were introduced:

By Messrs. Kinsey and McMillan:

H. J. R. 358. NAMING SECTIONS OF HIGHWAY U. S. 90.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body hereby names and designates that part of Highway U. S. 90 which extends southward from the intersection of Highway U. S. 31 North to Interstate 10, and that part from the intersection of Highway U. S. 98 eastward to Baldwin County Road 66, "Old Spanish Trail."

BE IT FURTHER RESOLVED, That the Highway Department is hereby authorized and directed to erect and maintain appropriate signs and markers so designating said sections of Highway U. S. 90.

The resolution, H. J. R. 358, was read and referred to the Standing Committee on Rules.

Also:

By Messrs. Kinsey and McMillan:

H. J. R. 359. NAMING A SECTION OF HIGHWAY U. S. 31 NORTH.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body hereby names and designates that part of Highway U. S. 31 North which extends from the east side of Blakeley River eastward to Baldwin County Road 181, "Spanish Fort Boulevard."

BE IT FURTHER RESOLVED, That the Highway Department is hereby authorized and directed to erect and maintain appropriate signs and markers so designating said section of Highway U. S. 31 North.

The resolution, H. J. R. 359, was read and referred to the Standing Committee on Rules.

Also:

By Messrs. Kinsey and McMillan:

H. J. R. 360. NAMING A SECTION OF STATE HIGHWAY 225.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body hereby names and designates that part of State Highway 225 extending northward from Highway U. S. 31 North to Baldwin County Road 138, "Blakeley Drive."

BE IT FURTHER RESOLVED, That the Highway Department is hereby authorized and directed to erect and maintain appropriate signs and markers so designating said section of State Highway 225.

The resolution, H. J. R. 360, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Roberts, Martin and Cross:

H. J. R. 361. COMMENDING THE MORGAN COUNTY VOLUNTEER RURAL FIREFIGHTERS.

WHEREAS, during the fire crises experienced in the month of February, 1977, the Morgan County Volunteer Rural Firefighters responded to and coped commendably with the emergencies at hand; and

WHEREAS, nineteen departments worked a total of 1,668 man-hours handling 278 calls to fight grass and woods fires which, despite their efforts, resulted in the destruction by fire of 4,753 acres, 39 structures, one tractor and eight cars; and

WHEREAS, without the quick responses to these emergency calls, the untiring and unceasing efforts and the professional well-organized assailments on the part of the Morgan County Volunteer Rural Firefighters, the losses suffered would have amounted, unquestionably, to a great deal more; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby commend the department of the Morgan County Volunteer Rural Firefighters, and the Alabama Forestry Commission, for a job well done during the

February, 1977 fire crises in Alabama, and further, direct that copies of this resolution be sent to them that they may know of our high praise.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 361, on the Clerk's desk for one legislative day.

Also:

By Mr. Smith (C):

**H. J. R. 362. COMMENDING THE THORSBY HIGH SCHOOL BASKETBALL TEAM FOR A SUCCESSFUL SEASON.**

WHEREAS, the Thorsby High School Basketball Team has completed the season with a 21-10 record and won the Area Eight Championship of Region Four; and

WHEREAS, as a team they shot 55 percent from the foul line, their field goal percentage, as a team, averaged 42 percent and they averaged scoring 62 points a game; and

WHEREAS, this fine seven-member team, six of whom will be returning next season, is deserving of recognition for their fine season, much credit also is due to Head Coach Marvin Green for the team's high degree of technical skill and for their fine spirit, good sportmanship and will to win; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we do most heartily congratulate and commend the Thorsby High School Basketball Team for winning the Area Eight Championship and direct that copies of this resolution be sent to Mr. Ed Blackmon, Principal, Head Coach Marvin Green, and to each member of the team.

On motion of Mr. Smith (C), the rules were suspended and the resolution, H. J. R. 362, was adopted.

Also:

By Mr. Carothers:

**H. R. 363. CREATING A COMMITTEE TO STUDY THE ADMISSION PROCEDURES OF THE STATE MEDICAL SCHOOLS.**

**BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES,** That there is hereby created a committee to be composed of five members of the House be appointed by the presiding officer of the House. The members of the committee shall elect from among their membership a chairman and vice chairman. The committee shall study the admission procedures of the State Medical schools, and shall have the authority to call the heads of these schools, and others, to appear before the committee.

The committee shall have subpoena power and the power to punish for contempt of a committee of the Legislature.

Upon request of the chairman, the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work.

The committee shall report its findings, conclusions and recommendations on admission procedures to the House not later than the thirtieth legislative day of the 1977 Regular Session, whereupon the committee shall be dissolved.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Carothers to suspend the rules in order to take up for immediate consideration the resolution, H. R. 363, was lost.

The resolution, H. R. 363, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Manley:

**H. J. R. 364. REAFFIRMING THE ALABAMA LEGISLATURE'S SUPPORT OF THE TENNESSEE-TOMBIGBEE WATERWAY DEVELOPMENT AUTHORITY AND CALLING ON THE L & N RAILROAD TO IMMEDIATELY WITHDRAW ITS SUIT AGAINST SUCH AUTHORITY.**

WHEREAS, The Tennessee-Tombigbee Waterway has been called by members of Congress "an economic turning point for the Southeast;" and

WHEREAS, the Honorable George C. Wallace, Governor of Alabama, chairman of the five-state Tennessee-Tombigbee Waterway Development Authority, has made countless statements citing economic advantages of the Authority and does not wish to see anything delay development of this project which will mean so much to the economy of Alabama and the entire nation; and

WHEREAS, a major portion of this 253-mile long project is located in Alabama; and

WHEREAS, more than 105 million dollars in construction contracts already have been awarded in Alabama, an additional 124 million dollars will be spent on work in Alabama and a total of 54,600 jobs will be created in Alabama by this project in the next 25 years; and

WHEREAS, this project has tremendous revenue potential for Alabama including revenue to the Port of Mobile projected at more than 2 billion dollars, private investment income estimated at 4.5 billion dollars, and state revenue projected at more than 7 billion dollars by the year 2000; and

WHEREAS, on November 30, 1976, the Louisville & Nashville Railroad and the Environmental Defense Fund of New York filed suit in federal court in Washington, D. C., asking that construction of this project be stopped; and

WHEREAS, the Louisville & Nashville Railroad has attempted to create an illusion of grass-roots opposition to the project by funding environmental fronts to block the Tennessee-Tombigbee Authority with arguments which already have been legally settled; and

WHEREAS, in reality the Tennessee-Tombigbee Waterway Development Authority has grass-roots support as evidenced by an 82 percent statewide vote backing the Tennessee-Tombigbee bond issue; and

WHEREAS, the State of Alabama has obligated itself for 35 million dollars in bonds to relocate bridges and an additional 45 million dollars for modernization and expansion of the state docks in Mobile in order to be ready for the Tennessee-Tombigbee Waterway;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Legislature hereby reaffirms its support for the Tennessee-Tombigbee Waterway Development Authority and calls upon the Louisville & Nashville Railroad to immediately withdraw the suit against the Tennessee-Tombigbee Waterway Development Authority.

On motion of Mr. Manley, the rules were suspended and the resolution, H. J. R. 364, was adopted.

Yeas 67; Nays 6.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Gafford, Goodwin, Greer, Gregg, Harris, Hill, Holmes (D), Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lockett, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Younce.

—67

Nays:

Messrs.: Hall, Harrison, Jackson (R), Leonard, Lewis and McNair.

—6

Also:

By Messrs. McMillan and Kinsey:

H. J. R. 365. HONORING MISS AMELIA JOHNSON FOR MERITORIOUS SERVICE TO THE TOWN OF ROBERTSDALE.

WHEREAS, the Alabama Legislature has noted that, on February 28, 1977, Miss Amelia Johnson announced her retirement, effective April 30th, which will end a distinguished career of service to the town of Robertsdale, Alabama that spans twenty-eight years; and

WHEREAS, Miss Johnson began work at the town hall April 23, 1949 as assistant clerk and assumed the duties of clerk in 1951, serving in that capacity with dedication, courteously and efficiently, for the past twenty-six years; and

WHEREAS, "Miss Amelia" truly has earned her retirement, having worked as a true loyal citizen, and for her entire twenty-eight year career, without a paid vacation; and

WHEREAS, in addition to having served her town for so many years and with such distinction, she also is further and actively involved in many of the civic affairs of her community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly praise and commend Miss Amelia Johnson for notable service to the town of Robertsdale, Alabama, wish for her a long and happy retirement, and direct that a copy of this resolution be sent to her as a token of our esteem.

Under the provisions of Joint Rule 11 the Clerk was instructed to hold the resolution, H. J. R. 365, on the Clerk's desk for one legislative day.

Also:

By Mr. Smith (M):

H. R. 366. Commending Mr. & Mrs. Harvey Owensby.

WHEREAS, Mr. and Mrs. Harvey Owensby were legally joined together in holy matrimony; and

WHEREAS, they have remained in said holy state for over one-half century; and

WHEREAS, they have honored their marriage vows of so long ago and kept each other in sickness and in health; and

WHEREAS, they have loved and honored each other above all other people and defended each other against all things injurious; and

WHEREAS, they have been exemplary citizens of this County and have set an enviable example for posterity to follow:

NOW, THEREFORE, BE IT RESOLVED, that the Alabama House of Representatives does hereby acknowledge the sublime example set by Mr. and Mrs. Harvey Owensby over the last one-half century; and

BE IT FURTHER RESOLVED, that the State of Alabama does on this occasion take time to gratefully thank Mr. and Mrs. Harvey Owensby for all their enduring efforts to make this world a better place to live; and

BE IT EVEN FURTHER RESOLVED, that the date of the consummation of their marriage be hereafter and forevermore celebrated as Mr. and Mrs. Harvey Owensby Memorial Day. Also be it resolved, that a copy of this resolution be sent to Mr. and Mrs. Harvey Owensby.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 366, on the Clerk's desk for one legislative day.

Also:

By Mr. Smith (M):

H. R. 367. Commending Mr. & Mrs. Bill Bailey.

WHEREAS, Mr. and Mrs. Bill Bailey were legally joined together in holy matrimony; and

WHEREAS, they have remained in said holy state for over twenty-five years;

WHEREAS, they have honored their marriage vows of so long ago and kept each other in sickness and in health; and

WHEREAS, they have loved and honored each other above all other people and defended each other against all things injurious; and

WHEREAS, they have been exemplary citizens of this County and have set an enviable example for posterity to follow:

NOW, THEREFORE, BE IT RESOLVED, that the Alabama House of Representatives does hereby acknowledge the sublime example set by Mr. and Mrs. Bill Bailey over the last one-half century; and

BE IT FURTHER RESOLVED, that the State of Alabama does on this occasion take time to gratefully thank Mr. and Mrs. Bill Bailey for all their enduring efforts to make this world a better place to live; and

BE IT EVEN FURTHER RESOLVED, that the date of the consummation of their marriage be hereafter and forevermore celebrated as Mr. and Mrs. Bill Bailey Memorial Day. Also be it resolved, that a copy of this resolution be sent to Mr. and Mrs. Bill Bailey.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 367, on the Clerk's desk for one legislative day.

Also:

By Messrs. Gregg, Riddick, Moore (W), Albright and Smith (B):

H. J. R. 368. COMMENDING MRS. BARBARA BRAGG FOR MERITORIOUS SERVICE.

WHEREAS, on January 16, 1977, Mrs. Barbara Bragg completed her term of service on the Madison County Judicial Commission, having discharged her duties with dedication and great ability; and

WHEREAS, Mrs. Bragg, in addition to having served capably as commission member, also is deeply involved as an active participant in many civic affairs and charitable endeavors in her community, giving generously of her time and talents; and

WHEREAS, her enthusiasm for her work and services to her community have gained for her the respect of her fellow citizens and all those who are privileged to know her; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly and sincerely commend Mrs. Barbara Bragg of Toney, Alabama for meritorious service as a member of the Madison County Judicial Commission and for many other services to her community.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Bragg as a token of our esteem.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 368, on the Clerk's desk for one legislative day.

Also:

By Mr. Cates:

H. J. R. 369. REQUESTING THE SECRETARY OF THE ARMY TO RELEASE, OR AUTHORIZE GOVERNOR WALLACE TO RELEASE, AS PUBLIC INFORMATION, THE FIRST ARMY INSPECTOR GENERAL AND AUDITOR GENERAL REPORTS OF INSPECTION OF THE ALABAMA STATE MILITARY DEPARTMENT.

WHEREAS the First Army Inspector General and Auditor General reports of inspection of the Alabama State Military Department have been delivered to Governor Wallace classified "For official use only"; and

WHEREAS Governor Wallace has been instructed by the Chief of the National Guard Bureau that "the reports contain privileged information and must be protected in accordance with army regulations; and

WHEREAS Governor Wallace correctly takes the position that he should not make the Reports public in violation of the classification; and



REGULAR SESSION  
13th Day

787

WHEREAS Governor Wallace has already requested permission from the National Guard Bureau to make a public release of the entire Report; and

WHEREAS the contents of the Report was of such serious nature as to cause the resignation of the State Adjutant General; and

WHEREAS punitive action is apparently pending against other high ranking officers of the Alabama State Military Department; and

WHEREAS Governor Wallace is to be commended for the action that he has taken following receipt of the Report; and

WHEREAS the funds involved were public funds, both state and federal; and

WHEREAS the officials involved were public officials, both state and federal; and

WHEREAS misuse of public funds by public officials should be public information; and

WHEREAS there is little likelihood that national security is involved; and

WHEREAS a cloud of doubt hangs over the head of many capable and dedicated National Guard members; and

WHEREAS it is in the best interest of the Alabama National Guard and the State of Alabama for the public to have all the facts contained in the Report;

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request The Secretary of the Army of the United States to cause the Report of the Inspector General and the Report of the Auditor General of the First United States Army pertaining to the Alabama Military Department to be given public release, or that Governor Wallace be authorized to release the Reports in the State of Alabama.

BE IT FURTHER RESOLVED that a copy of this Resolution be immediately sent to the President of the United States, The Governor of Alabama, all Alabama members of the Congress of the United States, the Chairmen of the Armed Services Committees of both the United States Senate and House, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Army Chief of Staff, and the Chief of the National Guard Bureau.

On motion of Mr. Cates, the rules were suspended and the resolution, H. J. R. 369. was adopted.

Also:

By Mr. Cates:

H. R. 370. REQUESTING THE SECRETARY OF THE ARMY TO RELEASE, OR AUTHORIZE GOVERNOR WALLACE TO RELEASE, AS PUBLIC INFORMATION, THE FIRST ARMY INSPECTOR GENERAL AND AUDITOR GENERAL REPORTS OF INSPECTION OF THE ALABAMA STATE MILITARY DEPARTMENT.

WHEREAS the First Army Inspector General and Auditor General reports of inspection of the Alabama State Military Department have been delivered to Governor Wallace classified "For official use only"; and

WHEREAS Governor Wallace has been instructed by the Chief of the National Guard Bureau that "the reports contain privileged information and must be protected in accordance with army regulations; and

WHEREAS Governor Wallace correctly takes the position that he should not make the Reports public in violation of the classification; and

WHEREAS Governor Wallace has already requested permission from the National Guard Bureau to make a public release of the entire Report; and

WHEREAS the contents of the Report was of such serious nature as to cause the resignation of the State Adjutant General; and

WHEREAS punitive action is apparently pending against other high ranking officers of the Alabama State Military Department; and

WHEREAS Governor Wallace is to be commended for the action that he has taken following receipt of the Report; and

WHEREAS, the funds involved were public funds, both state and federal; and

WHEREAS the officials involved were public officials, both state and federal; and

WHEREAS misuse of public funds by public officials should be public information; and

WHEREAS there is little likelihood that national security is involved; and

WHEREAS a cloud of doubt hangs over the head of many capable and dedicated National Guard members; and

WHEREAS it is in the best interest of the Alabama National Guard and the State of Alabama for the public to have all the facts contained in the Report;

NOW THEREFORE BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That we hereby request The Secretary of the Army of the United States to cause the Report of the Inspector General and the Report of the Auditor General of the First United States Army pertaining to the Alabama Military Department to be given public release, or that Governor Wallace be authorized to release the Reports in the State of Alabama.

BE IT FURTHER RESOLVED That a copy of this Resolution be immediately sent to the President of the United States, The Governor of Alabama, all Alabama members of the Congress of the United States, the Chairman of the Armed Services Committees of both the United States Senate and House, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Army Chief of Staff, and the Chief of the National Guard Bureau.

On motion of Mr. Cates, the rules were suspended and the resolution, H. R. 370, was adopted.

#### MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Cates to suspend the rules in order to take up out of order the third reading of the bill, H. 765, was lost.

RESOLUTION

The following resolution was introduced:

By Mr. Brindley:

H. J. R. 371. MOURNING THE TRAGIC DEATH OF DAVID KLEIN

WHEREAS, the Legislature of Alabama was shocked and saddened to learn of the tragic and untimely death of David Klein of Blount County, Alabama on March 13, 1977, as the result of a boating accident on the Warrior River; and

WHEREAS, David was a young high school student of unlimited potential who had been recommended for an appointment to the Air Force Academy; he was valedictorian of his senior class and president of the student body of Susan Moore High School, and was a member of Future Farmers of America; and

WHEREAS, young David Klein was an outstanding athlete having been a three-year starter in both football and basketball, was captain of both teams, was named all-county in football and basketball, and was honorable mention for all-state; and

WHEREAS, he was a lover of nature who exhibited throughout his short lifetime a youthful and aspiring outlook, vivacity and a warmth of personality that served as an inspiration to all those privileged to know him; he was beloved of family and friends, and will be sorely missed by them all; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn, and do deeply regret, the loss of David Klein who, in this life, was denied his dreams by an untimely death.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his parents, Mr. and Mrs. Jim Klein, and his brothers, Wesley, Jeff and Tommy, that they may know of our heartfelt sympathy and that we share their sorrow.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 371, on the Clerk's desk for one legislative day.

NOTICE IN WRITING

Mr. Campbell filed the following Notice in Writing:

Notice is hereby given that on the next Legislative Day I shall move that Rule 41 of the General Rules of Order and Procedure of the House of Representatives be repealed.

RESOLUTIONS

The following resolutions introduced on the twelfth legislative day were read by title pursuant to Joint Rule 11:

S. J. R. 246. MOURNING THE DEATH OF JOSEPH THOMAS PRIESTER, SR.

S. J. R. 270. COMMENDING JEREMY MILLS FOR HEROISM.

S. J. R. 260. Mourning the death of Wayne M. Lowe.

S. J. R. 261. Mourning the death of Melvin Camp Kilpatrick.

S. J. R. 262. Mourning the death of Ervin A. Phillips.

S. J. R. 263. Honoring Mack Garrett for outstanding service in the field of law enforcement.

S. J. R. 264. Commending Joseph Faulkner, Community Service Award Recipient.

S. J. R. 265. Commending the Westminster Christian High School Basketball Team for their championship victory.

S. J. R. 268. Congratulating and commending the Andalusia High School Football Team.

H. J. R. 342. COMMENDING CHARLIE THOMPSON FOR HEROISM.

H. R. 344. COMMENDING MR. AND MRS. MORRIS WILDER.

H. R. 345. COMMENDING MR. AND MRS. WILL WALKER

H. R. 346. COMMENDING MR. AND MRS. DOUGLAS BENEFIELD

H. R. 347. COMMENDING MR. AND MRS. R. D. ALLEN

H. R. 348. COMMENDING MR. AND MRS. WARREN HARLIN

H. R. 349. COMMENDING MR. AND MRS. HUBERT HAMIL

H. R. 350. COMMENDING MR. AND MRS. J. A. KIRBY

H. R. 351. COMMENDING MR. AND MRS. DAVID HOWELLS

H. R. 352. COMMENDING MR. AND MRS. LEROY HENRY

H. R. 353. COMMENDING MR. AND MRS. LARKIN FRENCH

H. J. R. 354. COMMENDING REV. ROBERT E. BROWN, PASTOR OF THE LAKEWOOD BAPTIST CHURCH.

On motion of Mr. Crowe, the resolutions were adopted en masse.

#### RESOLUTION

The following resolution was introduced:

By Messrs. Rich, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce:

H. J. R. 372. MOURNING THE DEATH OF FORMER STATE REPRESENTATIVE J. B. BURKHALTER OF CHEROKEE COUNTY.

WHEREAS, Citizens all over Alabama were deeply grieved by the recent death of former Cherokee County State Representative J. B. Burkhalter, particularly those whom he so ably served for eight years in the Alabama House of Representatives; and

WHEREAS, Mr. Burkhalter was recognized as one of the most effective legislators ever to serve Cherokee County; and

WHEREAS, Mr. Burkhalter will be long remembered by his constituents as a friend of all the people; NOW THEREFORE,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, That we are deeply grieved by Mr. Burkhalter's passing and extend to his family our sincere sympathy.

On motion of Mr. Rich, the rules were suspended and the resolution, H. J. R. 372, was adopted.

H. 266

Pursuant to the resolution, H. R. 357, heretofore adopted, the bill, H. 266, was taken up.

And the bill:

H. 266. (With Amendment): To amend, revise and reenact Act No. 1226, 1975 Regular Session (Acts 1975, p. 2562) entitled "An Act Relating to the commitment of mentally ill persons to the custody of the State Department of Mental Health; prescribing the procedures for the involuntary commitment of mentally ill persons, prescribing the duties and responsibilities of all persons and departments concerned with the commitment of mentally ill persons; providing for the rights of persons sought to be committed as mentally ill; providing for the payment of costs of proceedings for the commitment of mentally ill persons; providing for appeal to circuit court by persons committed as mentally ill; prescribing the jurisdiction of the probate court in regard to persons committed as mentally ill; providing for the transfer of mentally ill persons to facilities operated by the United States; and repealing conflicting laws," so as to further designate the institutions to which mentally ill persons may be committed, prescribing the procedures for involuntary commitment, prescribing the duties and responsibilities of all persons, agencies and departments concerning commitment of mentally ill persons, further protecting the rights of the persons sought to be committed and providing further for the appeal of commitment orders.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 266 in Section 1, on page 12, line 34, by striking the word and figure sixty (60) and substituting therefor the word and figure ninety (90).

MOTION TO POSTPONE

Mr. Callahan offered the motion to postpone the bill, H. 266 with pending amendment, to the seventeenth legislative day.

SUBSTITUTE MOTION OFFERED

Mr. White offered the substitute motion to postpone the bill, H. 266 with pending amendment, to the thirtieth legislative day.

## SUBSTITUTE TO SUBSTITUTE MOTION

Mr. Campbell offered the following substitute to the substitute motion to postpone the bill, H. 266 with pending amendment, to the fourteenth legislative day.

## MOTION TO RECOMMIT

Mr. Callahan offered the motion to recommit the bill, H. 266 with pending amendment.

## MOTION TO TABLE LOST

The motion offered by Mr. Johnstone to table the motion to recommit offered by Mr. Callahan, was lost.

Yeas 24; Nays 45.

*Yeas:*

Messrs.: Buskey, Campbell, Cooper, Dial, Edwards, Glass, Greer, Harrison, Hill, Hines, Holley, Jackson (R), Johnstone, Jolly, Kennedy, Leonard, Lewis, Lockett, McNair, Manley, Porter, Sonnier, Wyatt and Younce.

—24

*Nays:*

Messrs.: Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Carothers, Carter, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Gregg, Hall, Harris, Jackson (F), Kinsey, McMillan, Martin, Merrill, Mitchem, Moore (O), Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (C), Smith (M), Sparks, Trammell, Turnham, Waggoner, Warren, Weeks, White and Williams.

—45

## MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature there-to is requested:

S. 94. Relating to counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide that certain homebaked or homemade goods shall not be subject to the regulations of any state or county health department.

Also:

S. 244. To authorize the county governing body of counties having a population of not less than 17,000 nor more than 20,000 inhabitants according to the 1970 or any subsequent federal decennial census to establish the position of deputy coroner and to set and pay from the county general fund the salary and any reasonable expense allowance for such office; and to prescribe the duties of such office.

Also:

S. 406. Relating to Crenshaw county; to provide that the sheriff shall be entitled to the allowance payable by the state for feeding prisoners; to provide that the provisions of this act shall be retroactive.

Also:

S. 408. Relating to Crenshaw County; to provide for the employment of clerks, secretaries, and clerical assistants to perform duties in the Office of the Judge of Probate and in the Office of the Sheriff of Crenshaw County; to provide for the salaries of all such employees; and to authorize the Crenshaw County Commission or other like governing body to pay salaries or any portion thereof of existing and future clerks, secretaries and clerical assistants employed by the Judge of Probate and the Sheriff and who are performing duties in such respective offices - ; and making the provisions of this act retroactive to October 1, 1973.

Also:

S. J. R. 266. Welcoming Admiral James L. Holloway, III.

Also:

S. J. R. 267. TO NAME THE NATIONAL GUARD ARMORY TO BE CONSTRUCTED IN LUVERNE, ALABAMA, "FORT JAMES DOUGLAS FINLAY"

McDOWELL LEE,  
Secretary.

#### SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

#### H. 266 RESUMED

#### MOTION WITHDRAWN

Mr. Callahan withdrew his motion to recommit the bill, H. 266 with pending amendment.

#### MOTION WITHDRAWN

Mr. Campbell withdrew the substitute to the substitute motion to postpone the bill, H. 266 with pending amendment, to the fourteenth legislative day.

#### MOTION WITHDRAWN

Mr. White withdrew his substitute motion to postpone the bill, H. 266 with pending amendment to the thirtieth legislative day.

#### H. 266 POSTPONED

On motion of Mr. Campbell, the bill, H. 266 with pending amendment, was postponed to the eighteenth legislative day.

Yeas 69; Nays 7.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Crawford, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Gafford, Glass, Gregg, Hall, Harris, Hines, Holley, Holmes (D), Howard, Johnstone, Jolly, Killian, Kinsey, Leonard, Lockett, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore

(O), Morris, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Younce.

—69

*Nays:*

Messrs.: Buskey, Greer, Harrison, Jackson (R), Kennedy, Lewis, and Wyatt.

—7

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Messrs. Mitchell, McMillan and Pearson:

S. 264. To prescribe, authorize and regulate investments of life, disability, and burial insurance companies.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 264. Insurance.

H. R. 356

The resolution, H. R. 356:

Rule 1. The doorkeeper shall, one hour before the hour fixed for the meeting of the House, clear the House of all persons not entitled to the floor. The doors of each house shall be opened except on such occasions as, in the opinion of the House, may require secrecy, but no person shall be admitted to the floor of either House while the same is in session, except members of the legislature, and the spouses of current members of the House, the officers and employees of the two Houses, the governor and his secretary, representatives of the press who shall be placed by the Clerk of the House, and other persons to whom either House, by unanimous vote, may extend the privileges of its floor; provided, however, that in addition on the first legislative day of any regular or special session the families of the members of the House shall have the privilege of the floor, for that legislative day only.

(1) When former members are on the floor of the House, they shall not be engaged in any lobbying activities.

(2) This rule shall be enforced by the Clerk of the House with or without the suggestion of any member of the House.

With pending substitute, which was postponed on the twelfth legislative day, was taken up.

The question was then on the adoption of the pending substitute offered by Mr. Moore (O), said substitute being as follows:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That House Rule 1. be amended to read as follows:



## 13th Day

"Rule 1. The doorkeeper shall, one hour before the hour fixed for the meeting of the House, clear the House of all persons not entitled to the floor. The doors of each House shall be opened except on such occasions as, in the opinion of the House, may require secrecy, but no person shall be admitted to the floor of either House while the same is in session, except members of the legislature, and the spouses of current members of the House, the officers and employees of the two Houses, the governor and his secretary, representatives of the press who shall be placed by the Clerk of the House in a designated area and shall at all times while on the floor of the House with the exception of cameramen and photographers meet the minimum standards of dress as apply to members of the legislature, and other persons to whom either House, by unanimous vote, may extend the privileges of its floor; provided, however, that in addition on the first legislative day of any regular or special session the families of the members of the House shall have the privilege of the floor, for that legislative day only.

(1) When former members are on the floor of the House, they shall not be engaged in any lobbying activities.

(2) This rule shall be enforced by the Clerk of the House with or without the suggestion of any member of the House.

## MOTION TO POSTPONE TABLED

On motion of Mr. Moore (O), the motion offered by Mrs. Quarles to postpone the resolution, H. R. 356 with pending substitute, to the thirtieth legislative day was tabled.

Yeas 39; Nays 22.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Callahan, Carothers, Coburn, Crawford, Cross, Edwards, Gafford, Goodwin, Gregg, Hines, Holley, Holmes (D), Howard, Jolly, Kinsey, Lee, McCluskey, McNees, Manley, Martin, Moore (O), Moore (W), Reed, Roberts, Robertson, Sandusky, Sasser, Smith (M), Trammell, Waggoner, Weeks, Whatley, White and Younce.

—39

*Nays:*

Messrs.: Albright, Barron, Ford, Hall, Harris, Harrison, Hilliard, Jackson (R), Johnson, Johnstone, Kennedy, Killian, Leonard, Lockett, McMillan, Pegues, Porter, Rich, Smith (C), Turnham, Venable and Wyatt.

—22

## SUBSTITUTE LOST

The question was again on the adoption of the substitute offered by Mr. Moore (O), and the substitute was lost.

Yeas 32; Nays 35.

*Yeas:*

Mr. Speaker, Armstrong, Biddle, Callahan, Carothers, Carter, Crawford, Cross, Edwards, Gafford, Goodwin, Harris, Holmes (D), Jolly, Killian, McCluskey, McCulley, McNees, Manley, Martin, Moore (O), Moore (W), Naramore, Roberts, Sandusky, Sasser, Smith (C), Smith (M), Waggoner, Weeks, Williams and Younce.

—32

*Nays:*

Messrs.: Barron, Buskey, Dial, Folmar, Ford, Greer, Gregg, Hall, Harrison, Hill, Hines, Holley, Jackson (R), Johnson, Johnstone, Kennedy, Lee, Leonard, Lewis, Lockett, McMillan, Merrill, Owens, Pegues, Porter, Quarles, Reed, Rich, Riddick, Smith (B), Turnham, Venable, Warren, Whatley and Wyatt.

—35

#### MOTION TO TABLE LOST

The motion offered by Mr. Johnson to table the motion offered by Mr. Moore (O) to postpone further consideration of the resolution, H. R. 356, to the fifteenth legislative day, was lost.

Yeas 34; Nays 38.

*Yeas:*

Messrs.: Baker, Barron, Dial, Edwards, Folmar, Ford, Gregg, Hall, Harrison, Hines, Holley, Howard, Jackson (R), Johnson, Johnstone, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McMillan, McNees, Owens, Porter, Quarles, Rich, Riddick, Shoemaker, Smith (B), Venable, Warren, Whatley and Wyatt.

—34

*Nays:*

Mr. Speaker, Albright, Andrews, Armstrong, Biddle, Carothers, Carter, Coburn, Crawford, Cross, Crowe, Falkenburg, Gafford, Goodwin, Harris, Holmes (D), Jolly, Kennedy, Killian, McCulley, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Pegues, Roberts, Robertson, Sasser, Smith (C), Smith (M), Trammell, Turnham, Waggoner, Weeks, White and Williams.

—38

#### RESOLUTION POSTPONED

The question was then on the motion offered by Mr. Moore (O) to postpone further consideration of the resolution, H. R. 356, to the fifteenth legislative day, and the motion was adopted.

Yeas 60; Nays 20.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Buskey, Callahan, Carothers, Carter, Coburn, Crawford, Cross, Crowe, Drake, Falkenburg, Ford, Gafford, Goodwin, Greer, Harris, Hill, Hines, Holmes (D), Jackson (F), Johnson, Jolly, Kennedy, Killian, Lee, Leonard, Lewis, McCulley, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Owens, Pegues, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sparks, Trammell, Waggoner, Weeks, Whatley, White, Williams, Wyatt and Younce.

—60

*Nays:*

Messrs.: Barron, Cooper, Dial, Edwards, Folmar, Gregg, Hall, Holley, Jackson (R), Johnstone, Kelley, Kinsey, Lockett, McCluskey, McMillan, McNees, Porter, Shoemaker, Turnham and Venable.

—20

#### MOTION TO SUSPEND RULES

Mr. Gafford offered the motion to suspend the rules in order to bring up all uncontested local bills and the bills, H. 467 and H. 832.

SUBSTITUTE MOTION LOST

The substitute motion offered by Mr. Holley to suspend the rules in order to bring up all uncontested local bills was lost, lacking a four-fifths vote.

Yeas 42; Nays 31.

*Yeas:*

Messrs.: Albright, Andrews, Baker, Barron, Brindley, Buskey, Callahan, Campbell, Cooper, Crawford, Dial, Edwards, Ford, Greer, Gregg, Hill, Hines, Holley, Holmes (D), Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, McNair, Manley, Morris, Naramore, Reed, Rich, Sandusky, Sasser, Smith (B), Sparks, Turnham, Whatley, White, Williams, Wyatt and Younce.

—42

*Nays:*

Mr. Speaker, Armstrong, Biddle, Cross, Crowe, Drake, Falkenburg, Folmar, Gafford, Hall, Harrison, Hilliard, Howard, Jackson (F), Jackson (R), Johnson, Jolly, Leonard, McCulley, McMillan, McNees, Martin, Merrill, Moore (O), Porter, Quarles, Roberts, Robertson, Trammell, Waggoner and Weeks.

—31

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Gafford to suspend the rules in order to bring up out of order the bills, H. 467 and H. 832, was lost, lacking a four-fifths vote.

Yeas 44; Nays 33.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Callahan, Campbell, Carter, Clark, Cooper, Cross, Crowe, Drake, Falkenburg, Folmar, Gafford, Hilliard, Holmes (D), Jackson (F), Johnson, Johnstone, Kinsey, Leonard, McMillan, McNair, McNees, Merrill, Moore (O), Moore (W), Owens, Pegues, Reed, Roberts, Robertson, Sonnier, Sparks, Trammell, Venable, Waggoner, Weeks, White, Williams, Wyatt and Younce.

—44

*Nays:*

Messrs.: Andrews, Barron, Brindley, Carothers, Crawford, Dial, Ford, Greer, Gregg, Hall, Harris, Harrison, Hill, Holley, Howard, Jackson (R), Jolly, Lewis, Lockett, Manley, Martin, Morris, Naramore, Porter, Quarles, Rich, Riddick, Sasser, Shoemaker, Smith (B), Smith (C), Turnham and Whatley.

—33

BILLS ON THIRD READING

And the bill:

H. 60. To make a certain appropriation from the General Fund to cover expenses incurred by state Representative Gary Cooper while attending the annual conference of the Southern Growth Policies Board.

Which was postponed on the eighth legislative day, was taken up.

SUBSTITUTE OFFERED

Mr. Callahan offered the substitute to the bill, H. 60:

A BILL  
TO BE ENTITLED  
AN ACT

To make a certain appropriation from the general fund of the state treasury to cover expenses that will be incurred by State Representative Gary Cooper while attending the annual conference of the Southern Growth Policies Board.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated from the general fund of the state treasury the sum of five hundred dollars (\$500) for the purpose of covering expenses State Representative Gary Cooper will incur while attending the annual conference of the Southern Growth Policies Board as the Governor's designated representative of this state.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (D), Jackson (F), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lewis, McCulley, McMillan, McNees, Martin, Moore (O), Moore (W), Morris, Naramore, Pegues, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shoemaker, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, Williams, Wyatt and Younce.

—77

And the bill:

H. 60. To make a certain appropriation from the general fund of the state treasury to cover expenses that will be incurred by State Representative Gary Cooper while attending the annual conference of the Southern Growth Policies Board.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (D), Jackson (F), Johnson, Johnstone, Jolly, Killian, Kinsey, Lewis, McCulley, McMillan, McNees, Martin, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, Williams, Wyatt and Younce.

—78

RESOLUTIONS

The following resolutions were introduced:

By Mr. Biddle:

H. J. R. 373. COMMENDING AND CONGRATULATING HOWARD RUSSELL DAY ON ATTAINING THE RANK OF EAGLE SCOUT.

WHEREAS, the Legislature of Alabama has learned that Howard Russell Day of Gardendale, Alabama, has attained the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, this coveted badge was earned through countless hours of hard work and selfless service to fulfill the stringent qualifications for this prestigious badge of achievement; and

WHEREAS, Howard Russell Day of Troop 266, Gardendale, has exemplified through his years of participation in this fine organization those admirable attributes of friendliness, devotion to duty, and concern for his fellowman; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly commend, praise and congratulate Howard Russell Day for outstanding achievement in the Boy Scouts of America, and direct that a copy of this resolution be sent to him and to his parents, Dr. and Mrs. Jim H. Day that they may know of our high esteem.

On motion of Mr. Biddle, the rules were suspended and the resolution, H. J. R. 373, was adopted.

Also:

By Mr. Killian:

H. J. R. 374. MOURNING THE DEATH OF JUDGE W. J. HARALSON.

WHEREAS, the legislature of Alabama has learned with a sense of loss and deep regret of the death of Judge W. J. Haralson of Fort Payne, Alabama, on February 28, 1977; and

WHEREAS, Judge Haralson, son of the late Judge William Wallace Haralson and Fannie Campbell Haralson, attended school in Fort Payne and graduated from Marion Military Institute and the University of Alabama; he was a graduate of the Cumberland School of Law, Lebanon, Tennessee, in 1926, entered the practice of law with his father in 1927, and, in 1936 was elected Judge of DeKalb Court, serving one four-year term; and

WHEREAS, in 1940 he was elected Judge of the Ninth Judicial Circuit, as were both his father and grandfather before him, and served in this capacity for five consecutive terms, a total of 30 years, before being assigned by Chief Justice Howell Heflin to the Alabama Court of Criminal Appeals where he wrote over one hundred appellate opinions during his first tenure; he returned in 1975 to serve the Ninth Circuit as Supernumerary Judge, was appointed in 1976 to the Special Alabama Supreme Court, following the recusal of the nine members of this court, and, at the time of his death, had been reappointed to the Court of Criminal Appeals; and

WHEREAS, Judge Haralson, with dedication and deep devotion to the law, further served his profession as President of the Alabama Cir-

cuit Judges Association in 1944-45; he was instrumental in organizing the law library for DeKalb County and, well-liked and highly respected by his fellow members of the bar, he also served as an inspiring example to many young attorneys who always sought "The Judge's" advice when in need of sound reasoning and wise counsel; and

WHEREAS, he was an active and deeply involved, lifelong member of the First Presbyterian Church of Fort Payne, was an elder for almost 40 years and, also, a member of the Board of Trustees of the North Alabama Presbytery; he was a mason and a charter member of the Fort Payne Lions Club; and

WHEREAS, Judge Haralson, highly regarded in his community and respected statewide for his judicial acumen, was a devoted husband and father, a kind and gentle man who was beloved of family and countless friends and will be long remembered and sorely missed by all those whose lives he touched; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do deeply mourn and regret the death of this fine Christian man, Judge W. J. Haralson, and extend our sincere sympathy to his wife, Mrs. LeDelle Hawkins Haralson; his daughter, Mrs. James R. Bratton of Houston, Texas; his son, William Wallace Haralson of Scottsboro; and other family members to whom copies of this resolution shall be sent.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 374, on the Clerk's desk for one legislative day.

Also:

By Mr. Smith (M):

H. R. 375. COMMENDING MR. AND MRS. JOE MITCHUM.

WHEREAS, Mr. and Mrs. Joe Mitchum were legally joined together in holy matrimony; and

WHEREAS, they have remained in said holy state for over sixty years; and

WHEREAS, they have honored their marriage vows of so long ago and kept each other in sickness and in health; and

WHEREAS, they have loved and honored each other above all other people and defended each other against all things injurious; and

WHEREAS, they have been exemplary citizens of this County and have set an enviable example for posterity to follow:

NOW, THEREFORE, BE IT RESOLVED, that the Alabama House of Representatives does hereby acknowledge the sublime example set by Mr. and Mrs. Joe Mitchum over the last one-half century; and

BE IT RESOLVED, that the State of Alabama does on this occasion take time to gratefully thank Mr. and Mrs. Joe Mitchum for all their enduring efforts to make this world a better place to live; and

BE IT EVEN FURTHER RESOLVED, that the date of the consummation of their marriage be hereafter and forevermore celebrated as Mr. and Mrs. Joe Mitchum Memorial Day. Also be it resolved, that a copy of this resolution be sent to Mr. and Mrs. Joe Mitchum.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 375, on the Clerk's desk for one legislative day.

Also:

By Mr. Smith (M):

**H. R. 376. COMMENDING THE LAKEVIEW FIRE AND RESCUE UNIT**

WHEREAS, The Lakeview Fire and Rescue Unit of West Point, Georgia was organized in February, 1975, with an area of operation which also includes locales in Alabama where services are needed; and

WHEREAS, in the past its scope of operation has included fire fighting, rescue calls, providing emergency supplies of fuel during the recent gas shortage, assisting in the restoration of utility services in the wake of emergencies and rendering help as needed in various individual hardship cases; and

WHEREAS, the income for operating expenses of this commendable volunteer rescue organization is derived from dues paid by members of the squad, and supplemented by fund-raising projects and donations from other concerned and dedicated citizens of the community; now therefore,

**BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA,** That we most heartily commend and praise the Lakeview Fire and Rescue Unit for its outstanding service and direct that each of its members be presented with a copy of this resolution.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 376, on the Clerk's desk for one legislative day.

Also:

By Mr. Crowe:

**H. J. R. 377. URGING CONGRESS AND PRESIDENT CARTER TO CONTINUE THE BEAR CREEK WATERSHED AND FLOOD CONTROL PROJECT**

WHEREAS, the Legislature of Alabama has demonstrated its unanimous support of the Tennessee Valley Authority and its mission to advance the economic development of the Tennessee Valley, its programs concerning water resource development and its activities in the fields of energy, water transportation, flood control and conservation; and

WHEREAS, specifically the Bear Creek Watershed and Flood Control project in Winston, Franklin and Marion counties in North Alabama indisputably will enhance the economic and recreational aspects of this area while protecting also the natural resources and environment of Northwest Alabama; and

WHEREAS, President Carter's proposed cut-off of funds of TVA to the Appalachian region of the United States could serve only to devastate the economy of Winston, Franklin and Marion Counties, a deleterious decision which would gravely and irrevocably endanger the missions, responsibilities and mandates of TVA; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That, committed, as one, to complete and wholehearted support of this most vital project of TVA, this body does respectfully strongly and unanimously urge the Congress of the United States and President Carter to continue necessary and adequate funding for the Bear Creek Watershed and Flood Control project

which is of foremost importance to North Alabama and the entire Appalachian region of the United States.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to President Carter and to each member of the Alabama Congressional Delegation in Washington, D. C.

On motion of Mr. Crowe, the rules were suspended and the resolution, H. J. R. 377, was adopted.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Baker, Buskey, Callahan, Campbell, Carter, Coburn, Cross, Crowe, Edwards, Falkenburg, Folmar, Goodwin, Greer, Hines, Holley, Holmes (D), Jackson, (F), Johnson, Johnstone, Jolly, Kennedy, Killian, Lee, McNees, Manley, Merrill, Moore (O), Moore (W), Morris, Pegues, Quarles, Rich, Roberts, Robertson, Sandusky, Shoemaker, Smith (B), Sparks, Starkey, Venable, Weeks and Younce.

—43

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Owens, the rules were suspended in order to bring up all uncontested local bills.

Yeas 71; Nays 1.

Yeas:

Mr. Speaker, Andrews, Baker, Biddle, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Hall, Harris, Harrison, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Porter, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shoemaker, Smith (B), Smith (C), Sparks, Starkey, Turnham, Venable, Waggoner, Weeks, White, Williams, Wyatt and Younce.

—71

Nay: Mr. Trammell.

—1

#### RESOLUTIONS

The following resolutions were introduced:

By Mr. Manley:

H. R. 378. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when the House adjourns today it will adjourn to meet again on Thursday, March 24, 1977 at 10:00 A.M.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 378, was adopted.



Also:

By Mr. Mitchem:

H. J. R. 379. COMMENDING DR. W. H. (JACK) TAYLOR UPON HIS RETIREMENT FROM THE ALABAMA COOPERATIVE EXTENSION SERVICE, AUBURN UNIVERSITY

WHEREAS, Dr. W. H. (Jack) Taylor elected to retire February 28, 1977, after 30 years of dedicated and effective service with the Alabama Cooperative Extension Service; and

Whereas, as assistant county agent, county agent, district agent, assistant director, associate director and acting director he has served the people of Alabama at many levels within the Extension Service; and

Whereas, Dr. Taylor has compiled an exceptional record of achievements and accomplishments with the Extension Service and has won the respect of his fellow employees; and

Whereas, the administrative leadership of Dr. Taylor has left a positive, profound and lasting imprint on the lives of the many thousands of Alabamians served by the Extension Service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends Dr. W. H. (Jack) Taylor for his long and enviable record of achievements and accomplishments and wishes for him a happy and satisfying retirement.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Dr. Taylor; to Dr. J. Michael Sprott, Director of Alabama Cooperative Extension Service, Auburn University; and to the press and various other news media.

On motion of Mr. Mitchem, the rules were suspended and the resolution, H. J. R. 379, was adopted.

#### UNCONTESTED LOCAL BILLS

Pursuant to the motion offered by Mr. Owens, previously adopted, the uncontested local bills were taken up.

And the bill:

H. 403. Relating to any county having a population of not less than 16,600 nor more than 16,950 according to the 1970 or any subsequent federal decennial census; providing an expense allowance for the sheriff in any such county.

Which was postponed on the tenth legislative day, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Gregg, Hall, Harrison, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (W), Morris,

Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—84

And the bill:

H. 685. Relating to counties with populations of not less than 16,600 nor more than 16,950, authorizing and directing the State Highway Department to maintain all county roads which serve as rural mail or school bus routes.

Which was postponed on the tenth legislative day, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Gregg, Hall, Harrison, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—84

And the bill:

H. 688. To provide for payment to Cleburne County of a sum equal to the increase in state ad valorem tax revenues from Cleburne County because of the use for ad valorem tax purposes of the recent reappraised values of property in such county because the use of such reappraised values in Cleburne County before they were used for ad valorem tax purposes in any other county amounted to an unequal application of Alabama's tax laws; and to prescribe the county funds into which distributions of this payment shall be made.

Which was postponed on the twelfth legislative day, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Gregg, Hall, Harrison, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—84

And the bill:

H. 662. To amend Section 1 of Act No. 106, H. 173, 1967, Special Session (Acts of 1967, vol. 1, p. 138) relating to the employment of a stenographic secretary for the District Attorney of the 18th Judicial Circuit of Alabama so as to increase the salary of said secretary at the discretion of the Shelby County Commission or other governing body of said county of not less than \$6,000.00 per annum.

Was taken up.

H. 662 INDEFINITELY POSTPONED

On motion of Mr. Moore (O), the bill, H. 662, was indefinitely postponed.

And the bill:

H. 691. (With Amendment): Relating to Shelby County; and providing for pay and mileage for all jurors in Shelby County.

Was taken up.

H. 691 POSTPONED

On motion of Mr. Moore (O), the bill, H. 691 with pending amendment, was postponed to the eighteenth legislative day.

And the bill:

H. 761. To amend Act No. 64, H. 92, 1975 Third Special Session (Acts 1975, p. 291) entitled "An Act Relating to counties having populations of not less than 16,600 nor more than 16,950 according to the most recent federal decennial census, providing expense allowances for the Circuit Court Register in such counties," so as to change the expense allowance to a salary supplement.

Was taken up.

H. 761 POSTPONED

On motion of Mr. Sparks, the bill, H. 761, was postponed to the eighteenth legislative day.

And the bill:

H. 770. To authorize and provide for maintenance by the State Highway Department of all roads and drives whether located on state-owned rights of way or not, which serve cemeteries, churches, mail routes, bus routes or occupied residences in any county having a population of not less than 50,000 nor more than 52,500, according to the 1970 or any subsequent federal decennial census.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Gregg, Hall, Harrison, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCulley, Mc-

Millan, McNeas, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—84

And the bill:

H. 779. Relating to counties having a population of not less than 60,000 nor more than 65,000 inhabitants according to the 1970 or any subsequent federal decennial census; regulating the compensation of members of the county board of education.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Gregg, Hall, Harrison, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCulley, McMillan, McNeas, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—84

And the bill:

H. 783. To provide that all real estate shall be assessed for ad valorem tax purposes according to its value in actual use and not according to any speculative or potential use in all counties having populations of not less than 56,500 nor more than 59,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Gregg, Hall, Harrison, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCulley, McMillan, McNeas, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—84

And the bill:

H. 793. To repeal Act No. 137, H. 563, 1971 Regular Session (Acts of 1971, p. 415), as amended; to require the county superintendent of

education of Marengo County to be the recipient of a master's degree in school administration; to authorize and empower the Marengo County Board of Education to employ a county superintendent of education for a term of up to four years and to set the salary, expense allowance, required standards and other qualifications for the position.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Gregg, Hall, Harrison, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—84

And the bill:

H. 830. Relating to all counties having a population of not less than 90,000 nor more than 100,000 according to the 1970 or any subsequent federal decennial census; to further amend Section 4 of Act No. 809, H. 1274, 1965 Regular Session (Acts of 1965, p. 1511), as amended, relating to the administrative consultant to the circuit clerk so as to increase the annual salary of the person holding office as an administrative consultant to the circuit clerk of such counties.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Gregg, Hall, Harrison, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—84

And the bill:

H. 838. To amend Section 10 of Act No. 1006, H. 1912 of the 1975 Regular Session of the Legislature (Acts 1975, Vol. III, p. 2033) pertaining to additional unlawful acts in counties having populations of not less than 23,800 nor more than 23,925 according to the most recent federal decennial census, in regard to the sale of table wine, so as to make the unlawful acts in said counties conform to the general law of Alabama governing the sale of alcoholic beverages.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Gregg, Hall, Harrison, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—84

#### UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Drake and Sparks voting "Nay" on the bill, H. 838.

#### H. 845 TEMPORARILY POSTPONED

The Speaker temporarily postponed the bill, H. 845.

And the bill:

H. 891. Proposing an amendment to the constitution of Alabama relating to placing the probate judge, the tax assessor, and tax collector of Jackson County on a salary basis of compensation.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Roberts, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Weeks, White, Williams, Wyatt and Younce.

—73

And the bill:

H. 892. To change the method of compensating the probate judge, the tax assessor and the tax collector of Jackson County, placing said officials on a salary basis; to provide that the fees, commissions and allowances provided such officials under the general law shall be paid into the county treasury.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

REGULAR SESSION  
13th Day

809

Yeas 71; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Jackson (R), Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Porter, Quarles, Reed, Roberts, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (M), Sparks, Trammell, Venable, Waggoner, Warren, Weeks, White, Williams, Wyatt and Younce.

—71

And the bill:

H. 910. Proposing an amendment to the State Constitution, relative to placing certain limits on the ad valorem tax rates in Jackson County.

Was taken up.

H. 910 POSTPONED

On motion of Mr. Killian, the bill, H. 910, was postponed to the twentieth legislative day.

H. 912 TEMPORARILY POSTPONED

The Speaker temporarily postponed the bill, H. 912.

H. 916 TEMPORARILY POSTPONED

The Speaker temporarily postponed the bill, H. 916.

And the bill:

H. 927. Relating to all counties having populations of not less than 56,500 nor more than 59,000 inhabitants according to the 1970 or any subsequent federal decennial census; increasing the assessment rate of taxation on Class I property in such counties, which includes all property of utilities used in the business of such utilities.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, McCulley, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Porter, Quarles, Reed, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—73

And the bill:

H. 928. Proposing an amendment to further amend Article XI, Section 217, subsection (b), of the Constitution of Alabama 1901 relative

to ad valorem taxation; providing for the decrease of the assessment rate of taxation on Class III property, all agricultural, forest and residential property in Houston County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, McCulley, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Porter, Quarles, Reed, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—73

#### BILLS ON THIRD READING RESUMED

And the bill:

H. 501. (With Substitute): Relating to counties having populations of not less than 600,000 inhabitants; to authorize and provide for additional funds, if required, from the general funds of the county and each municipality located therein for the maintenance and operation of the County Department of Health, including, but not limited to, the employment of personnel, the acquisition of land, the erection, construction, extension, renewal, and repair of buildings or improvements thereon, which are related to or required by the prescribed duties of the County Health Officer; to repeal all conflicting statutes.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 2, said committee substitute being as follows:

#### A BILL TO BE ENTITLED AN ACT

Relating to counties having populations of not less than 600,000 inhabitants; to authorize and provide for additional funds, if required, from the general funds of the county and each municipality located therein for the maintenance and operation of the County Department of Health, including, but not limited to, the employment of personnel, the acquisition of land, the erection, construction, extension, renewal, and repair of buildings or improvements thereon, which are related to or required by the prescribed duties of the County Health Officer; to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply only in those counties having populations of not less than 600,000 inhabitants, according to the most recent Federal census.



Section 2. Unless the context clearly indicates a different meaning, the following words and phrases whenever used in this Act, shall have the meanings respectively ascribed to them in this Section:

(a) The terms "county", "said county", or "such county" means any county in the State of Alabama with a population of 600,000 inhabitants, or more, according to the last or any subsequent Federal census.

(b) The term "ad valorem tax" shall mean those ad valorem taxes collected on real and personal property in said county except those ad valorem taxes collected for the State of Alabama and any and all Boards of Education located in such county.

(c) The term "Board of Health" shall mean the authorized public health board, commission, or other entity having the authority of a county Board of Health in such county.

(d) The masculine gender shall include the feminine and neuter genders; and whenever the context requires, the plural shall include the singular, and the singular the plural.

Section 3. The governing body of the county and of each municipality, any part of which is located therein, shall pay over to the county Board of Health or other department, officer, or agency designated by law to carry out the responsibilities of said Board, an annual sum to be determined under the provisions hereof.

Section 4. In furtherance of the public interest and to assure the maintenance of a minimum standard of public health services in any such county and the municipalities located therein, there shall be paid annually out of the general funds of the county and the general funds of each municipality located therein such sum of money as the governing body of the county shall establish, based on a budget presented to it by the county Board of Health or the county Health Officer on or before July 1 of each year commencing with the year 1977 and each subsequent year. The amount established shall be reasonably necessary to provide for the maintenance and operation of the county health department, including, but not limited to, the employment of necessary personnel, the acquisition of land, the erection, construction, extension, renewal and repair of any building or improvements thereon, provided, however, that the said amount so established, which shall be over and above all other sources of revenue, shall not be less than a sum equal to two per cent (2%) of all the ad valorem taxes collected in the county for both the county and the municipalities located therein, excluding those ad valorem taxes collected for the State of Alabama and any and all Boards of Education located in said county; nor more than a sum equal to six per cent (6%) of said ad valorem taxes collected in the county, excluding those ad valorem taxes collected for the State of Alabama and any and all Boards of Education located in said county.

Section 5. The amount to be paid by the county and each said municipality of the sum so established by Section 4 shall be determined by the following formula: Add the total population of the county to the total population of all incorporated municipalities within the county to arrive at a common denominator, and the governing body of the county shall pay the proportion of the sum so established as the population of the total county bears to said common denominator and, subject to Section 6 hereof, the governing body of each said municipality shall pay the proportion of the sum so established that the total population within its boundaries bears to said common denominator. The population to be used in said formula shall be the population of the entire

county and each said municipality according to the last federally approved census. The following is an example of the application of said formula: Assume the total population of the County is 700,000 and that municipalities A, B, C, and D constitute all of the incorporated municipalities in the County and municipality A has a population of 300,000; municipality B, a population of 100,000; municipality C, a population of 60,000; and municipality D, a population of 40,000. The common denominator would be 1,200,000. The County proportion of the sum established in accordance with the provisions of Section 4 above would be 700,000/1,200,000 or 7/12 of said sum; municipality A, 300,000/1,200,000 or 3/12 of said sum; municipality B, 100,000/1,200,000 or 1/12 of said sum; municipality C, 60,000/1,200,000 or 0.6/12 of said sum; and municipality D, 40,000/1,200,000 or 0.4/12 of said sum.

Section 6. In the case of any municipality located partially within and partially without the boundaries of said county, the calculations set forth in Section 5 above shall be based on the number of persons who are residents of that portion of the municipality which is within the boundaries of the county.

Section 7. The amounts required to be paid to the County Board of Health by the provisions of this act shall be paid to the County Board of Health treasurer annually and not more than thirty days after December 31 of each year by the county tax collector out of ad valorem tax receipts collected by the county tax collector for the county and the respective municipalities in the county; provided, however, that the county tax collector shall not pay over to the County Board of Health any ad valorem tax receipts the payment of which to the County Board of Health would impair the obligation of contracts entered into by any municipality or county prior to June 1, 1976, or any ad valorem tax receipts from levies made for a specific purpose as authorized by the provisions of any section of the Constitution of Alabama 1901 or any amendment thereto. If the tax collector does not have any ad valorem taxes due any municipality or said county or the ad valorem taxes due any municipality or said county is insufficient to pay the amounts due under the provisions of this act, then the balance due under the said provisions shall be a priority claim (subject, however, to any claims having priority under or pursuant to any provision of the Alabama or United States Constitution), against any and all other funds of any such municipality or county and shall be paid by such municipality or county directly to the board treasurer.

Section 8. The provisions of this Act are hereby declared to be severable and should any provision of this Act be held invalid, the invalidity thereof shall not affect the remaining provisions of the Act.

Section 9. All laws and parts of law, whether general, special or local, in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

Section 10. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming law.

And the substitute was adopted.

Yeas 60; Nays 3.

Yeas:

Mr. Speaker, Andrews, Armstrong, Biddle, Buskey, Carter, Cates, Clark, Coburn, Crawford, Dial, Drake, Falkenburg, Folmar, Gafford, Goodwin, Greer, Harris, Harrison, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Lee,

Leonard, McCulley, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Porter, Quarles, Reed, Roberts, Shelton, Shoemaker, Smith (B), Smith (M), Sparks, Trammell, Venable, Waggoner, Weeks, White, Wyatt and Younce.

—60

*Nays:* Messrs.: Hall, McMillan and Owens.

—3

And the bill, H. 501 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 2.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Biddle, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Dial, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Harris, Harrison, Hilliard, Hines, Holley, Holmes (D), Jackson (F), Jackson (R), Jolly, Kelley, Lee, Leonard, Lewis, Lockett, McCulley, McMillan, McNair, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Porter, Quarles, Reed, Sasser, Shelton, Shoemaker, Smith (B), Smith (M), Sparks, Trammell, Venable, Waggoner, Weeks, White, Williams, Wyatt and Younce.

—62

*Nays:* Messrs. Boles and Hall.

—2

And the bill:

H. 502 (With Substitute): Relating to counties having populations of not less than 600,000 inhabitants according to the most recent federal census; to provide for funding for transit authorities in such counties by the county and certain municipalities in such counties; to repeal all conflicting statutes.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 2, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to counties having populations of not less than 600,000 inhabitants according to the most recent federal census; to provide for funding for transit authorities in such counties by the county and certain municipalities in such counties; to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply only in those counties having populations of not less than 600,000 inhabitants, according to the most recent Federal census.

Section 2. Unless the context clearly indicates a different meaning, the following words and phrases whenever used in this Act shall have the meanings respectively ascribed to them in this section:

(a) The terms "county", "said county", or "such county" means any county in the State of Alabama with a population of 60,000 inhabitants, or more, according to the last or any subsequent Federal census.

(b) The term "ad valorem tax" shall mean those real and personal property ad valorem taxes collected by the county Tax Collector, and the Director of Revenue of such county, if any, for the county in said county, but shall exclude all ad valorem taxes collected for the State of Alabama and any and all Boards of Education and municipalities located in such county.

(c) The term "transit authority" shall mean any public authority organized in said county for the purpose of operating a public mass transit system by bus, rail, or other means under Act No. 993 of the 1971 Regular Session of the Legislature of Alabama as amended, or any other authority organized in said county for the same purpose under authority granted by the State of Alabama.

(d) The term "annually" shall mean each twelve-month period commencing with October 1 of each year and ending with September 30 of the next following year.

(e) The term "served by the transit authority" shall mean an area in which the transit authority operates vehicles on a regular schedule for the pick-up and discharge of passengers.

(f) The term "fiscal year" means the fiscal year of the County.

(g) The masculine gender shall include the feminine and neuter genders; and whenever the context requires, the plural shall include the singular, and the singular the plural.

Section 3. If there is a transit authority in said county, the governing body of the county and of each municipality served by the transit authority shall pay over to the transit authority an annual sum to be determined under the provisions of Sections 4 and 5 hereof.

Section 4. The annual amount to be paid to the transit authority by the county served by the transit authority is to be ascertained by first determining the amount of ad valorem taxes collected for the county from within the city limits of each municipality served by the transit authority. The county shall pay out of its general funds an amount equal to six (6%) percent of the ad valorem tax collected within the city limits of all such municipalities to the transit authority each year. In addition, the governing body of the county shall, at its sole discretion, make a determination prior to the end of each fiscal year as to the number of residents of the county residing in unincorporated areas thereof having access to services by the transit authority within reasonable walking distances of their residences, but said number shall not be less than in any preceding year, unless there is a reduction of routes serving the unincorporated area. Such residents shall be deemed to be served by the transit authority and there shall be paid annually out of the general funds of the county a sum equal to \$1.00 per capita of the residents thus deemed to be served.

Section 5. The annual amount to be paid to the transit authority by each municipality served by the transit authority is to be ascertained by first determining the amount of ad valorem tax collected for the county within the city limits of each such municipality. Each such municipality shall pay to the transit authority each year from its general funds an amount equal to ten (10%) of such ad valorem tax collected for the county within the city limits of such municipality each year.

Section 6. The amounts required to be paid to the transit authority under the provisions of this Act shall be paid by the county Tax

Collector for the county and the respective municipalities affected hereby upon the payment schedule established pursuant to the terms of the next following Section of this Act. If the county Tax Collector does not have ad valorem taxes due the county or any municipality affected hereby sufficient to pay the amounts due under the provisions of this Act, then the balance due as to any payment hereunder shall be paid to the transit authority by the Director of Revenue of said county, if any, from any tax monies in his possession for distribution to such county or such municipality. If as to any payment due hereunder, neither the county Tax Collector nor the Director of Revenue of such county, if any, shall have sufficient tax monies for distribution to such county or such municipality in an amount sufficient to make such payment, then the balance of such payment shall be a priority claim (subject, however, to any claims having a priority under or pursuant to any provision of the Constitution of the State of Alabama or the Constitution of the United States), against any and all other funds of such county or such municipality and shall be paid directly by such county or such municipality to the transit authority. It is expressly provided, however, that neither the county Tax Collector, nor the Director of Revenue of such county, if any, shall pay to the transit authority any monies the payment of which would impair the obligation under any contract entered into by the county or any municipality affected hereby prior to the effective date of this Act, or any tax monies from levies made for a specific purpose under the provisions of any Section of the Constitution of the State of Alabama as amended.

Section 7. The payments required hereby for each municipality that is served by the transit authority, and the county, shall be made on a monthly basis or upon such other payment schedule as the county or municipality affected hereby shall agree to with the transit authority. If payments are made on a monthly basis each payment shall be one-twelfth of the annual amount which would have been due based upon ad valorem tax collections for the preceding fiscal year with any deficit in the amount thus paid on such basis computed after ad valorem tax collections for the fiscal year in question are known, to be made up by the county and each affected municipality during the month of January next following the end of each fiscal year; provided, however, that during the fiscal year during which this Act becomes effective, the total amount of the payments to the transit authority to be made by the county and each municipality affected hereby shall be reduced to one-fourth ( $\frac{1}{4}$ ) of the annual amount which would otherwise be due, such annual amount being computed as provided herein, and shall be paid by the county and each municipality affected hereby in three equal monthly installments during the months of July, August, and September of such year; and, provided further, that during the fiscal year in which this Act becomes effective, and for each ensuing year, the obligation of the county and each municipality affected hereby shall not be greater than the amount by which distributions of tax monies to the county and each such municipality by the Tax Collector of said county and the Director of Revenue, if any, of said county exceed such distribution of tax monies for the fiscal year ending in the year 1976.

Section 8. Of the total amount paid hereunder to the transit authority by the county and municipalities served by such authority, \$200,000.00 shall be paid into a capital improvement fund, the principal of which shall be used exclusively for the funding of capital improvements to the transit system operated by the transit authority. Should this capital improvement fund, or any part thereof, be pledged to secure payment of any bonds issued by the transit authority, the provisions of this Section shall become a part of the contract between the

authority and the holders of such bonds so long as any portion of such bonds be outstanding or unpaid.

Section 9. Any municipality within the county which is served by the transit authority on the effective date of this Act shall be deemed to be served thereby for the purposes hereof. No other municipality in the county shall be served by the transit authority, thus incurring obligations to make payments pursuant to the provisions hereof, unless such municipality shall file with the transit authority of the county its agreement in writing to be served by the transit authority and to make the payments provided for herein. Any municipality in the county which is not served by the transit authority, but desires to be served thereby may apply to the transit authority to be so served and at the same time shall file with the transit authority its agreement in writing to make the payments provided for herein. If the transit authority deems it feasible to provide service to such municipality, it shall commence doing so upon the first day of the month next following the date upon which such decision is made, and such municipality shall thereafter be obligated to make the payments provided for herein; provided, however, that the obligation of such municipality during the fiscal year in which such service is commenced shall be reduced to the amount obtained by applying a fraction, the numerator of which is the number of months remaining in the fiscal year during which such service is commenced, and the denominator of which is twelve (12) to the annual obligation such municipality would have had if served by the transit authority for the entire fiscal year.

Section 10. Any municipality now or hereafter served by the transit authority shall have the right to have such service discontinued and its obligations hereunder extinguished at the end of any fiscal year upon giving not less than six (6) months notice to the transit authority that such municipality desires that such service be discontinued.

Section 11. On or before the first day of April in each year, the transit authority shall submit an annual budget for the forthcoming fiscal year of the transit authority to the governing body of the governmental entity (within the county) which made the largest contribution to the transit authority during the preceding fiscal year, with the determination as to which governmental entity within the county made the largest contribution to the transit authority during the preceding fiscal year to be without regard to whether such contribution was made under the provisions hereof, or pursuant to voluntary agreement of such governmental entity with the transit authority or a combination thereof. Such governing body is empowered and directed to review such budget and reduce the same in any area in which it deems said budget to be excessive. If such reduction is made, and results in decreasing the deficit of the transit authority to an amount less than the aggregate of the payments required of the county and municipalities hereunder, such payments shall be reduced, with the ratio of payments between the county and municipalities affected hereby remaining the same.

Section 12. The obligation of each municipality affected hereby shall not be reduced to an amount less than \$1.30 per capita of population in such municipality; nor shall the obligation of the county hereunder be reduced to an amount less than \$.78 per capita of population in the municipalities within the county served by the transit authority and in the unincorporated areas of the county served by the transit authority.

Section 13. The provisions of this Act are hereby declared to be severable and should any provision of this Act be held invalid, the invalidity thereof shall not affect the remaining provisions of the Act.

Section 14. All laws and parts of laws, whether general, special or local, in conflict with the provisions of this Act are hereby repealed to the extent of any such conflict.

Section 15. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming law, or upon July 1, 1977, whichever is later.

And the substitute was adopted.

Yeas 64; Nays 1.

Yeas:

Mr. Speaker, Andrews, Baker, Biddle, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Dial, Drake, Edwards, Falkenburg, Folmar, Goodwin, Greer, Gregg, Harris, Harrison, Hilliard, Hines, Holley, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kinsey, Lee, Leonard, Lockett, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Roberts, Sasser, Shelton, Shoemaker, Smith (B), Sparks, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—64

Nay: Mr. Trammell.

—1

And the bill, H. 502 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 5.

Yeas:

Mr. Speaker, Albright, Andrews, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Drake, Falkenburg, Folmar, Goodwin, Greer, Harris, Harrison, Hilliard, Hines, Holley, Howard, Jackson (F), Jackson (R), Jolly, Kelley, Kennedy, Lee, Leonard, Lewis, Lockett, McCulley, McMillan, McNair, Manley, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Porter, Quarles, Roberts, Sasser, Shelton, Shoemaker, Smith (B), Smith (M), Sparks, Venable, Weeks, Whatley, White, Williams and Wyatt.

—58

Nays:

Messrs.: Armstrong, Biddle, Gafford, Hall and Trammell.

—5

#### H. 501 RECONSIDERED

Having voted on the prevailing side, Mr. Armstrong offered the motion to reconsider the vote by which the bill, H. 501 as amended, was passed, and the motion was adopted.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Buskey, Campbell, Carothers, Carter, Clark, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Leonard, Lewis, McCulley, McMillan, McNair, McNees, Manley,

Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Porter, Quarles, Riddick, Roberts, Robertson, Shelton, Smith (B), Smith (C), Smith (J), Sparks, Trammell, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—71

And the bill, H. 501 as thus amended, was again read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 1.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Buskey, Campbell, Carter, Crawford, Cross, Crowe, Drake, Falkenburg, Gafford, Greer, Harris, Harrison, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Jackson (R), Jolly, Kelley, Kennedy, Lee, Leonard, Lewis, Lockett, McCulley, McMillan, McNair, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Plaster, Porter, Quarles, Roberts, Shelton, Shoemaker, Smith (B), Smith (J), Sparks, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—59

*Nay:* Mr. Hall.

—1

And the bill:

H. 443. To further amend Section 2 of Act No. 217 of the 1966 Special Session of the Legislature of Alabama, approved August 30, 1966 (Acts of Alabama, 1966 Special Session, page 280, et seq.) entitled "An Act to provide a separate retirement and relief system for certain of the presently active employees of the City of Birmingham who entered the service of the fire department of said city prior to September 19, 1939, and to whom is applicable the pension and relief system provided by Act No. 307 of the 1943 Regular Session of the Legislature of Alabama, as amended, and Act Number 22 of the Second Special Session of the Legislature of Alabama of 1956, to include in said separate system dependents of said presently active employees; and to render said Act No. 307 and Act Number 22 inapplicable to said certain presently active employees and their dependents".

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Clark, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCulley, McMillan, McNair, McNeas, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—75

#### LEAVE OF ABSENCE

At the request of Mr. Hall, leave of absence was granted for Mr. Boles.



REGULAR SESSION  
13th Day

819

And the bill:

H. 916. Relating to all counties having a population of not less than 56,500 nor more than 59,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide an additional expense allowance for members of the county commission.

Which previously temporarily postponed, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Crawford, Cross, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hines, Holley, Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, Williams, Wyatt and Younce.

—72

And the bill:

H. 785. To provide for the night hunting and taking of racoons and opossums with the use of a light and/or shotgun using shot no larger than number eight, or with a 22-caliber rimfire rifle using 22-caliber-short ammunition in all counties having a population of not less than 52,500 nor more than 54,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hines, Holley, Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Sparks, Trammell, Turnham, Venable, Warren, Weeks, Whatley, Williams, Wyatt and Younce.

—67

And the bill:

H. 852. Relating to Baldwin County, to provide for the creation, incorporation, organization, operation, administration, and financing of one or more local public service districts within the county as public corporations so as to provide local fire fighting and prevention services; to provide for the fixing, levy and collection by such fire districts of rates, fees and charges for such services; to provide penalties for non-payment and liens upon the property within such districts; to provide for the borrowing of money and issuance of bonds and other obligations by

or on behalf of such fire districts; providing that the qualified electors of any prospective fire district shall give their prior approval to the creation of any such district as well as the rates, fees, charges, bond or other indebtedness thereto in an election thereon; to provide an election procedure for such voter approval; to prescribe the organization, rights, powers and duties of such districts; to prescribe limitations on such rights and powers, and to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 66; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Baker, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hines, Holley, Holmes (D), Howard, Jackson (F), Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Sparks, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Wyatt and Younce.

—66

#### H. 916 RECONSIDERED

Having voted on the prevailing side, Mr. Smith (J) offered the motion to reconsider the vote by which the bill, H. 916, was passed, and the motion was adopted.

Yeas 65; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Baker, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Cooper, Crawford, Cross, Crowe, Dial, Falkenburg, Folmar, Glass, Goodwin, Greer, Hall, Harris, Hines, Holley, Holmes (D), Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCulley, McMillan, McNair, McNees, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Plaster, Porter, Quarles, Rich, Roberts, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Sparks, Trammell, Turnham, Venable, Warren, Weeks, Whatley, Williams and Wyatt.

—65

#### H. 916 TEMPORARILY POSTPONED

On motion of Mr. Smith (J), the bill, H. 916, was temporarily postponed.

And the bill:

H. 853. To propose an amendment to the Constitution of Alabama which, if approved by the electors of this state, would authorize the Legislature, by general or local law, to provide for the creation, incorporation, organization, operation, administration and financing of one or more local districts within Baldwin County as public corporations to provide fire fighting and prevention services; to provide for the fixing, levy and collection by such fire districts of rates, fees and charges for such services, penalties for non-payment and liens upon the property within such district; to provide for the borrowing of money and the issuance of bonds and other obligations by or on behalf of such districts;

providing also that the qualified electors of any prospective fire district created by any law authorized by this proposed amendment shall give their prior approval to the creation of any such district or additions thereto and the rates, fees, charges, bond issue or other financing agreements thereto in an election thereon.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Brindley, Buskey, Callahan, Campbell, Cates, Cooper, Crawford, Cross, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hines, Holley, Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McMillan, McNeese, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (M), Sparks, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, Williams, Wyatt and Younce.

—67

And the bill:

H. 930. Relating to all counties having a population of not less than 95,000 nor more than 115,000 according to the 1970 or any subsequent federal decennial census; to reimburse the office of license commissioner for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a maximum of twenty-five hundred dollars per annum.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Cooper, Crawford, Cross, Crowe, Edwards, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hines, Holley, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McMillan, McNeese, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (M), Sparks, Trammell, Turnham, Venable, Weeks, Whatley, Williams, Wyatt and Younce.

—63

And the bill:

H. 894. Providing for a Board of Equalization and Adjustment of each county having a population of not less than 75,000, nor more than 90,000 according to the last or any subsequent federal decennial census, providing for abolishing the existing County Board of Equalization and transferring its duties to the Board of Equalization and Adjustment, further regulating the appointment and removal of the members of the Board, the terms of service, the compensation, the expense allowance of the members of the Board; making further provision in regard to office space, office fixtures and supplies of the Board, and providing for the employment of clerks and other employees of the Board; providing for the severability of the provisions of the Act and for its effective date.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Brindley, Buskey, Callahan, Carter, Cates, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Hines, Holley, Holmes (D), Howard, Jackson (F), Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (M), Sparks, Trammell, Turnham, Venable, Waggoner, Weeks, Whately, Williams and Wyatt.

—65

And the bill:

H. 127. To authorize the superintendent of the state department of education to contract with any independent firm of his choice, within or without the state and without regard to the state competitive bid laws, for the purpose of conducting an independent study and presenting a program for the regional day school educational needs of the deaf in Alabama, and appropriates a supplemental amount not to exceed \$100,000 out of the Alabama Special Education Trust Fund, to cover the cost of such study, to the state department of education for the current fiscal year; and to require that the state superintendent of education report the conclusions and recommendations to the legislature by the first day of the 1978 Regular Session.

Which was postponed on the eighth legislative day, was taken up.

#### H. 127 POSTPONED

On motion of Mr. Callahan, the bill, H. 127, was postponed to the fourteenth legislative day.

#### RESOLUTION

The following resolution was introduced:

By Mr. Roberts:

H. J. R. 380. CREATING A SELECT JOINT INTERIM COMMITTEE TO STUDY SEWAGE TREATMENT FACILITIES.

WHEREAS, throughout rural sections of Alabama, countless areas exist which pose significant obstacles to the installation of conventional sewage collection and treatment facilities, with factors such as severe topography and low population density making the cost of conventional sanitation facilities prohibitive, ranging from \$5,000 to \$10,000 per connection; and

WHEREAS, although septic tanks are widely used in rural areas as an alternative, it is estimated that approximately 50% of these septic systems do not function properly, as the soils in much of Alabama do not provide the percolation required for septic tank use, and even in areas where the ground will percolate the effluent produced by septic facilities is of a poor quality and therefore presents the danger of ground water contamination; and

WHEREAS, the choice, therefore, is either to prohibit development in such areas, or to finance the extremely high cost of conventional

sewage collection and treatment facilities which, in itself, is a substantial deterrent to development in new areas; similarly, there remains the problem of homes presently in use with failing septic equipment, necessitating the alternative here of either providing adequate sanitation facilities or, short of moving families from their homes, allowing the existing unsanitary conditions to persist; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to be composed of four members of the House and three members of the Senate to be appointed by the presiding officer of each house. The members of the committee shall elect from among their membership a chairman and vice chairman. The committee shall make a study of new sewage collection and treatment facilities now being used in other states, and other systems now being developed.

Upon the request of the chairman, the secretary of the senate and the clerk of the house shall provide such clerical assistance as may be necessary for the committee's work.

The committee shall report its findings, conclusions and recommendations on sewage treatment facilities to the legislature not later than the tenth legislative day of the 1978 Regular Session whereupon the committee shall be dissolved.

Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman. Provided, however that the Committee shall not spend an excess of \$3500.00.

On motion of Mr. Roberts, the rules were suspended and the resolution, H. J. R. 380, was adopted.

Yeas 67; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Brindley, Buskey, Callahan, Campbell, Carter, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Gregg, Harris, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Lewis, McMillan, McNair, McNeese, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Weeks, Whatley, Williams, Wyatt and Younce.

—67

Nay: Mr. Barron.

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#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. McMillan:

S. J. R. 290. MOURNING THE DEATH OF WILLIAM R. J. DUNN, JR.

McDOWELL LEE,  
Secretary.

## SENATE MESSAGE

On motion of Mr. Manley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 290, the title of which is set out in the above and foregoing Message from the Senate.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Messrs.: Edwards, Adams, Baker, Bank, Clemon, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop and Wilson:

S. J. R. 272. MOURNING THE DEATH OF JOHN LESLIE DOSS, SR.

Also:

By Messrs.: Vacca, Perry, Ellis, Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Teague, Waldrop and Wilson.

S. J. R. 275. CONGRATULATING CAPTAIN JOHN G. HENDERSON.

Also:

By Mr. Little:

S. J. R. 276. MOURNING THE DEATH OF AUBURN CIVIC LEADER, ROBERT N. HOIT.

Also:

By Messrs. McMillan, Clemon, and Pearson:

S. J. R. 277. HONORING MRS. MARY JULIE ANDERSON FOR HER OUTSTANDING CONTRIBUTIONS IN CRIME PREVENTION.

McDOWELL LEE,  
Secretary.

## SENATE MESSAGE

On motion of Mr. Martin, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 272, the title of which is set out in the above and foregoing Message from the Senate.

## SENATE MESSAGE

On motion of Mr. Manley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 275, the title of which is set out in the above and foregoing Message from the Senate.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, S. J. R. 276, on the Clerk's desk for one legislative day.

REGULAR SESSION  
13th Day

825

On motion of Mr. Gafford, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 277, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. Waldrop:

S. J. R. 286. Congratulating Mrs. Elizabeth Whitmire.

Also:

By Messrs. Ellis, Pearson, Noonan, Gilmore, Wilson, Goodwin, Miller, Roberts, Bank, Mims, Stewart, McDonald (S), Waldrop, Peden, Baker, Fine, Perry, Owen, Mitchell, Edwards, Little, Shelby, McDonald (A), Littleton, McMillan and Adams.

S. J. R. 287. Urging President Carter to continue the Tennessee-Tombigbee Waterway Development Project.

Also:

By Mr. Wilson:

S. J. R. 288. Designating April 6, 1977, as Library Day.

Also:

By Mr. Fine:

S. J. R. 289. Recognizing the accomplishments and contributions of the efficient and indispensable secretaries during "Secretaries' Week" in April.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, S. J. R. 286, on the Clerk's desk for one legislative day.

On motion of Mr. Manley, the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 287, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Mr. Crowe, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 288, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Mr. Crowe, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 289, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration.

By Mr. Owen:

S. J. R. 280. OFFERING GOOD WISHES FOR A SUCCESSFUL CAREER FOR DAVID A. NIHART.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, S. J. R. 280, on the Clerk's desk for one legislative day.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Mitchell:

S. 549. Relating to all counties having a population of not less than 13,000 nor more than 13,250 inhabitants according to the 1970 or any subsequent federal decennial census; to provide further for the use of the sheriff's fund in such counties and to repeal conflicting statutes.

Also:

By Mr. Mitchell:

S. 550. Providing a supplement to the salary of the circuit judge of the second judicial circuit to be paid in equal parts by the counties composing said circuit.

Also:

By Messrs. Stewart, Pearson, Edwards, Shelby, Adams, Bank, Teague, McMillan, Fine, Powell and Wilson:

S. 222. To authorize the Alabama Court of Criminal Appeals to hire three staff attorneys and one stenographer and to pay the necessary salaries and expenses thereof, in addition to the staff presently employed by said Court; to make an appropriation out of the state general fund to cover said salaries and expenses.

Also:

By Mr. Mitchell:

S. 266. To allow the Commissioner of Insurance to place an insurance company under an order of supervision after a hearing thereon by appropriate order; setting forth certain prohibited acts while under supervision without prior approval.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 549. Local Legislation No. 1.
- S. 550. Local Legislation No. 1.
- S. 222. Ways and Means.
- S. 266. Insurance.



MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Messrs. Wilson and Bank:

S. 469. To set forth a declaration of public policy and legislative intent; to define terms used herein; to require that persons detonating blasting agents and/or explosives be examined and licensed by the State of Alabama; to provide for the payment of fees for examinations and licenses; to provide for the suspension and revocation of licenses and for hearings and appeals in connection therewith; to provide for the licensing of certain persons experienced in blasting without examination upon the payment of a fee; to provide certain standards of blasting safety including notification to owners of certain types of properties and requiring that protective measures be taken when needed in regard to such properties, the covering of a certain type of detonating cord in certain circumstances, prohibiting the impeding of traffic by the throwing of blasted material on highways without prior agency approval and the prohibition of night time blasting except when necessary for safety of operations or with prior approval of Agency; to establish standards for blasting including establishing a peak particle velocity of ground motion at certain locations, the establishing of formulae for regulating the amounts of blasting agents and/or explosives allowable under certain conditions and establishing a table of such amounts; to provide for monitoring of blasting by seismological devices and prescribing criteria for their design and use; to establish a formula for computing certain effects of blasting; to establish permissible occasions for the use of seismographic equipment; to provide for the keeping of certain records and their availability for examination by the state; to require that those engaged in blasting operations obtain property damage and personal injury liability insurance; to establish penalties for the violation of this Act; to provide for the administration of this Act by the Department of Industrial Relations and by the Alabama Surface Mining Reclamation Commission; to provide a severability clause; to repeal certain laws and to prohibit the enactment of local, county, or municipal regulations; to establish powers of the administering agencies; to establish a short title, and to provide for an effective date.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 469. State Administration.

BILLS ON THIRD READING RESUMED

And the bill:

H. 112. (With Amendment): To amend Section 747 of Title 37, Code of Alabama 1940, as amended, to authorize municipalities to levy an increased license tax on banks and branch banks.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend Section 2, line 24, page 2, of H. B. 112 by striking therefrom the numbers "1976" and substituting in lieu thereof the numbers "1977."

And the amendment was adopted.

Yeas 56; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Baker, Brindley, Callahan, Campbell, Carothers, Carter, Cooper, Crawford, Cross, Drake, Edwards, Folmar, Glass, Goodwin, Greer, Hall, Harris, Hilliard, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Killian, Lee, Leonard, Lewis, McCulley, McMillan, McNees, Merrill, Moore (O), Moore (W), Morris, Owens, Pegues, Quarles, Reed, Rich, Riddick, Sandusky, Sasser, Shoemaker, Smith (B), Smith (J), Smith (M), Venable, Warren, Weeks, Whatley, Williams, Wyatt and Younce.

—56

#### AMENDMENT OFFERED

Mr. Gafford offered the following amendment to the bill, H. 112 as amended:

On page 1, line 18, after the word "banks" and before the word "located" there should be added the words "having their principal place of business", so that as amended page 1, line 18, would read: "to the capital, surplus and undivided profits of the bank banks having their principal place of business located."

#### H. 112 POSTPONED

On motion of Mr. Rich, the bill, H. 112 as amended and with pending amendment, was postponed to the fifteenth legislative day.

#### ADJOURNMENT

On motion of Mr. Armstrong and pursuant to the resolution, H. R. 378, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, March 24, 1977.

Yeas 37; Nays 36.

*Yeas:*

Messrs.: Andrews, Armstrong, Barron, Biddle, Buskey, Clark, Cooper, Cross, Edwards, Ford, Gafford, Glass, Goodwin, Harris, Harrison, Howard, Johnson, Johnstone, Jolly, Kennedy, Lee, Leonard, Lewis, Lockett, McCulley, McMillan, Manley, Martin, Morris, Porter, Quarles, Reed, Smith (J), Sparks, Starkey, Whatley and White.

—37

*Nays:*

Mr. Speaker, Baker, Brindley, Campbell, Carothers, Coburn, Dial, Falkenburg, Greer, Gregg, Hall, Hilliard, Holley, Killian, McNees, Merrill, Moore (O), Moore (W), Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shoemaker, Smith (B), Smith (C), Sonnier, Trammell, Turnham, Waggoner, Williams and Wyatt.

—36

## FOURTEENTH DAY

House of Representatives  
Montgomery, Alabama  
Thursday, March 24, 1977

The House met pursuant to adjournment.

## PRAYER

The session was opened with prayer by the Reverend Frank Scott, Pastor, First Methodist Church, Greenville, Alabama.

## ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—100

A quorum was present.

## REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the thirteenth legislative day and finds the same to be correct.

TOM DRAKE,  
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the thirteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the thirteenth legislative day was approved.

## LEAVES OF ABSENCE

At the request of Mr. Wyatt, leave of absence was granted for Mr. Holmes (A), due to a death in the family.

At the request of Mr. Venable, leave of absence was granted for Mr. Folmar.

At the request of Mr. McNair, leave of absence was granted for Mr. Hopping due to illness.

## RESOLUTION

The following resolution was introduced:

By Mr. Johnstone:

H. R. 381. RESCINDING H. R. 357, RECONSIDERING THE VOTE BY WHICH HOUSE BILL 266 WAS CARRIED OVER FOR FIVE LEGISLATIVE DAYS, RELEGATING HOUSE BILL 266 TO ITS ORIGINAL PLACE ON THE CALENDAR, AND GENERALLY RETURNING SAID BILL TO ITS ORIGINAL PARLIAMENTARY SITUATION.

WHEREAS on March 22, 1977, the House of Representatives adopted H. R. 357 concerning commitment procedures and making House Bill 266 a special order; and

WHEREAS many House members feel the title of said resolution was so vague as to leave House members unaware of the full effects of said resolution; and

WHEREAS, pursuant to said resolution House Bill 266 was considered before all other bills on the calendar on said day and was carried over for five legislative days without loss of its place on the calendar; and

WHEREAS, the result of all these proceedings has been to allow House Bill 266 precedence over other legislation on the eighteenth legislative day of this session; and

WHEREAS, the sponsor of said resolution regrets the confusion and concern caused by said resolution and seeks the relegation of House Bill 266 to the same parliamentary situation and regular place on the House calendar that existed and obtained before the adoption of said resolution and the consideration of said bill pursuant thereto:

NOW THEREFORE BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA:

First, that H. R. 357 adopted on March 22, 1957 is hereby rescinded; and

Second, that a motion to reconsider the vote by which House Bill 266 was carried over for five legislative days without loss of its place on the House Calendar is hereby offered by Mr. Johnstone, who voted with the prevailing side, solely for the purpose of relegating said bill to the same place it occupied on the House Calendar before adoption of said resolution; and

Third, that said vote is hereby reconsidered solely for said purpose; and

Fourth, that House Bill 266 is hereby relegated to the same position it occupied on the House Calendar immediately before the adoption of said resolution; and

Fifth, that said bill is hereby returned to the same parliamentary situation and condition that existed before the adoption of said resolution.

## MOTION TO SUSPEND RULES AND ADOPT

Mr. Johnstone offered the motion to suspend the rules and adopt the resolution, H. R. 381.

REGULAR SESSION  
14th Day

831

DIVISION OF THE QUESTION

Mr. Gafford called for the Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Mr. Johnstone to suspend the rules in order to take up for immediate consideration the resolution, H. R. 381, and the motion was lost.

Yeas 17; Nays 30.

*Yeas:*

Messrs.: Barron, Coburn, Greer, Harris, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kennedy, Leonard, McNair, Reed, Smith (B), Smith (C), Warren and Wyatt.

—17

*Nays:*

Mr. Speaker, Albright, Biddle, Buskey, Carothers, Falkenburg, Gafford, Glass, Holmes (D), Killian, Kinsey, Lewis, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Owens, Pegues, Rich, Roberts, Sasser, Shelton, Smith (M), Starkey, Venable, Waggoner, Weeks and Younce.

—30

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The resolution, H. R. 381, was read and referred to the Standing Committee on Rules.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Sonnier, the rules were suspended in order to take up out of order the third reading of the bill, H. 596.

And the bill:

H. 596. To make an appropriation from the earnings of the Alabama State Docks in Mobile for the relief of Aubry Price of Mobile.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 64; Nays 4.

*Yeas:*

Mr. Speaker, Albright, Baker, Biddle, Boles, Buskey, Callahan, Carter, Cates, Coburn, Cross, Crowe, Dial, Drake, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Holley, Holmes (D), Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, McMillan, McNair, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Taylor, Trammell, Venable, Waggoner, Warren, Weeks, Williams and Younce.

—64

*Nays:* Messrs.: Barron, Campbell, Riddick and Wyatt.

—4

## MOTION IN WRITING

Mr. Gafford filed the following Motion in Writing:

Mr. Speaker, having voted on the prevailing side, I hereby move to reconsider the vote by which House Bill 266 was carried over for five legislative days without loss of its place on the Calendar.

## RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 382. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made special, paramount and continuing order of business beginning on March 24, 1977, taking precedence over any other business of the House.

## Report of Standing Committees

## Introduction of Bills

## Uncontested Local Bills

H. B. 3	p. 12	Adult abuse
H. B. 72	p. 38	Child Abuse
H. B. 347	p. 26	Rate Base Alteration
H. B. 358	p. 28	Fuel Adjustment
H. B. 359	p. 28	Utility Refund
H. B. 381	p. 35	Late Fees on Utilities
H. B. 394	p. 142	Appeal of PSC Cases
H. B. 440	p. 93	Certificate of Convenience
H. B. 701	p. 131	Repeal Utility Tax on Senior Citizens
H. B. 269	p. 112	Out of State Witnesses
H. B. 419	p. 59	Increase Rewards
H. B. 420	p. 59	Increase Rewards
H. B. 320	p. 9	Oil & Gas
H. B. 321	p. 10	Oil & Gas
H. B. 150	p. 19	Election Law
H. B. 341	p. 21	Non-resident Fishing License
H. B. 643	p. 133	Coal Severance
H. B. 196	p. 6	Prison Meal Allowance

## AMENDMENT OFFERED

Mr. Drake offered the following amendment to the resolution, H. R. 382:

Amend the Rules Committee Report by adding after H. B. 196, H. B. 489 on page 96.

## AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 73; Nays 0.

## Yeas:

Mr. Speaker, Albright, Baker, Biddle, Boles, Buskey, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Hill, Holley, Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Kelley,

REGULAR SESSION  
14th Day

833

Kennedy, Killian, Kinsey, Lewis, McCluskey, McMillan, McNair, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—73

SUBSTITUTE OFFERED

Mr. Riddick offered the following substitute to the resolution, H. R. 382 as amended:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made special, paramount and continuing order of business beginning on March 24, 1977, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills

Uncontested Local Bills

H. B. 481	p. 103	General Fund Appropriations
H. B. 482	p. 103	Education Trust Fund Appropriations
H. B. 3	p. 12	Adult abuse
H. B. 72	p. 38	Child Abuse
H. B. 347	p. 26	Rate Base Alteration
H. B. 358	p. 28	Fuel Adjustment
H. B. 359	p. 28	Utility Refund
H. B. 381	p. 35	Late Fees on Utilities
H. B. 394	p. 142	Appeal of PSC Cases
H. B. 440	p. 93	Certificate of Convenience
H. B. 701	p. 131	Repeal Utility Tax on Senior Citizens
H. B. 269	p. 112	Out of State Witnesses
H. B. 419	p. 59	Increase Rewards
H. B. 420	p. 59	Increase Rewards
H. B. 320	p. 9	Oil & Gas
H. B. 321	p. 10	Oil & Gas
H. B. 150	p. 19	Election Law
H. B. 341	p. 21	Non-resident Fishing License
H. B. 643	p. 133	Coal Severence
H. B. 196	p. 6	Prsion Meal Allowance
H. B. 489	p. 96	Reimburse Counties for Prison Inmates (Food Allowance)

SUBSTITUTE TABLED

On motion of Mr. Merrill, the substitute offered by Mr. Riddick to the resolution, H. R. 382 as amended, was tabled.

Yeas 57; Nays 21.

Yeas:

Mr. Speaker, Baker, Biddle, Buskey, Callahan, Carothers, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Gregg, Harris, Hines, Holmes (D), Jackson (F), Johnstone, Kelley, Kennedy, Killian, Kinsey, McCluskey, McCulley, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sandusky,

Sasser, Smith (C), Smith (M), Sonnier, Sparks, Turnham, Venable, Waggoner, Warren, Weeks and Williams.

—57

*Nays:*

Messrs.: Albright, Barron, Brindley, Campbell, Dial, Hill, Hilliard, Holley, Howard, Johnson, Jolly, Lewis, Lockett, McNair, Naramore, Porter, Smith (B), Taylor, Whatley, White and Wyatt.

—21

#### AMENDMENT OFFERED

Mr. Reed offered the following amendment to the resolution, H. R. 382 as amended:

Amend the Rules Committee Report by adding after House Bill 196, House Bill 157 on page 41.

#### AMENDMENT TABLED

On motion of Mr. Drake, the amendment offered by Mr. Reed to the resolution, H. R. 382 as amended, was tabled.

Yeas 57; Nays 12.

*Yeas:*

Mr. Speaker, Baker, Biddle, Carothers, Cates, Coburn, Cooper, Crawford, Cross, Drake, Falkenburg, Ford, Gafford, Goodwin, Greer, Gregg, Harris, Hilliard, Hines, Holley, Holmes (D), Jackson (F), Johnstone, Kelley, Killian, Kinsey, Lockett, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Riddick, Roberts, Sandusky, Sasser, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Younce.

—57

*Nays:*

Messrs.: Albright, Barron, Buskey, Hill, Howard, Kennedy, Leonard, Lewis, Plaster, Quarles, Smith (B), and Wyatt.

—12

And the resolution, H. R. 382 as thus amended, was adopted.

Yeas 76; Nays 9.

*Yeas:*

Mr. Speaker, Baker, Biddle, Buskey, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hines, Holmes (D), Jackson (F), Johnstone, Kelley, Kennedy, Killian, Kinsey, Lockett, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—76

*Nays:*

Messrs.: Albright, Barron, Brindley, Hilliard, Holley, Howard, Leonard, Lewis and McNair.

—9



**REGULAR SESSION**  
**14th Day**

835

**LEAVE OF ABSENCE**

At the request of Mr. Gregg, leave of absence was granted for Mr. Lutz, due to a death in the family.

**RESOLUTION**

The following resolution was introduced;

By Mr. Manley:

**H. R. 383. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,** That when the House adjourns today it will adjourn to meet again on Tuesday, March 29, 1977 at 2:00 p.m.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 383, was adopted.

**BILLS ON SECOND READING**

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

**H. 1036.** To appropriate the sum of three million dollars (\$3,000,000) to the State Department of Public Health—Medicaid Account from any funds available in the state treasury to the credit of the Department of Pensions and Security.

**H. 901.** To amend Act No. 2305, Regular Session, 1971, Sections 2, 5, 6 and 9 to change the rate of taxation from (13.5¢) thirteen and one-half cents per ton to (25¢) twenty-five cents per ton, to rewrite the distribution section to provide that the additional revenue shall be earmarked for the State General Fund, to amend Sections 6 and 9.

**H. 964.** To amend Title 51, Section 348 A. Title 51 of the Code of Alabama 1940 expanding the provisions of the foreign corporation franchise tax and to increase the foreign corporation franchise tax.

**H. 965.** To amend Title 51, Sections 347 and 350, Code of Alabama 1940, as amended increasing the Domestic Franchise Tax and providing further for the distribution of such funds.

**H. 1022.** To amend Act No. 826 adopted at the 1973 Regular Session of the Legislature of Alabama so as to provide that the cost of an improvement shall include expenses necessary for the financing thereof, including fiscal advisory services; to provide that any temporary note may run for a period of one year or until six months after the date on which it is estimated assessments will be made final, whichever shall be the longer period; to provide that in certain circumstances bonds issued thereunder may be payable in annual installments, the first installment of principal of which shall be no later than eighteen months after the date on which assessments are estimated to be made final and that principal maturities on such bonds may be so fixed that no installment of principal and interest coming due on such bonds in any calendar year after the year of the first principal maturity is more than \$5,000 greater than the installments of principal and interest coming due in any subsequent year during which such bonds will be outstanding; to provide that any bonds issued thereunder may be sold at either public or private sale; to provide for the severability of the provisions of this act; and to provide for the effective date of this act.

H. 890. To amend further Section 3 of Act No. 96, H. 17, First Special Session 1971 (Acts 1971, p. 166), which levies and regulates a privilege tax against persons engaged in the business of leasing or renting tangible personal property, so as to further provide for exemptions from the computation of the amount of the tax levied.

H. 572. To make an appropriation from the State General Fund to the Alabama Travel Council for the remainder of the fiscal year ending September 30, 1977.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 457. (With Amendment): Relating to soil surveys; to provide for accelerating the soil survey in Alabama so that soil mapping, classification, and interpretation may be completed in 10 years, and to make an appropriation for this purpose.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 884. To make further appropriations to the Auburn University Cooperative Extension Service from the Alabama Special Educational Trust Fund for the Fiscal Year ending September 30, 1977.

H. 945. Relating to all counties having populations of not less than 65,000 nor more than 68,000 inhabitants according to the 1970 or any subsequent federal decennial census; to amend Section 1 of Act No. 1252, 1973 Regular Session (Acts of 1973, p. 2099), entitled "An Act Relating to all counties having populations of not less than 65,000 nor more than 68,000; providing further for the salaries of bailiffs appointed by any circuit judge of the judicial circuit in which such county lies;" so as to increase the compensation of bailiffs appointed by any circuit judge of the judicial circuit in which such county lies.

H. 718. To exempt all domestic non-profit charitable organizations, corporations, associations or like groups, from paying any state sales or use tax; to authorize the commissioner of revenue to establish, issue and promulgate all reasonable rules and regulations controlling the exemptions, the issuance of exemption certificates and to carry out the provisions of this act.

H. 886. To exempt the Phoenix House, Inc., of Tuscaloosa, from the payment of all state, county and municipal sales and use taxes.

H. 715. To allow individual taxpayers as a state income tax deduction for the taxable year an amount equal to the aggregate of the net operating loss carryover to such year, plus the net operating loss carrybacks to such year.

H. 385. To amend further Act No. 206, H. 1, Third Special Session, 1975 (Acts 1975, p. 474), relative to lengths and periods of time for law enforcement officers established for certain increased allowances, so as to include Wildlife Management Area Managers of the Game and Fish Division of the Department of Conservation and Natural Resources within the provisions of the act.

**REGULAR SESSION**  
**14th Day**

837

H. 710. To exempt Exceptional Children, Inc., Washington County Day Care Center, Sunflower School, from payment of all sales and use taxes.

H. 386. To amend further Act No. 1180, H. 66, Regular Session 1975 (Acts 1975, p. 2311), relative to overtime payment or compensatory time for state law enforcement officers, so as to include Wildlife Management Area Managers of the Game and Fish Division of the Department of Conservation and Natural Resources within the provisions of this act.

H. 387. To amend Act No. 763, H. 286, Regular Session 1973 (Acts 1973, p. 1145), relative to subsistence allowances for law enforcement officers, so as to include Wildlife Management Area Managers of the Game and Fish Division of the Department of Conservation and Natural Resources within the provisions of the act.

H. 388. To appropriate \$200,000.00 from the special education trust fund in the state treasury for the construction, erection, maintenance and furnishing of a residence and an access road or driveway thereto for the president of the Alabama A and M University.

H. 518. Relating to taxation; to amend Title 51, Section 2, Code of Alabama 1940, as heretofore amended, so as to exempt from ad valorem taxation all property owned by Loyal Order of Moose or lodge thereof, provided such property is used and occupied exclusively by such organization.

H. 337. To designate Lauderdale County Highway No. 14 as a state highway.

H. 303. To require employing boards of education to provide personal liability insurance for bus drivers or any employee required to transport pupils.

H. 962. To make an appropriation to the Alabama Historic Chattahoochee Commission to be used by Barbour, Chambers, Dale, Henry, Houston, Lee and Russell counties for the purpose of purchasing and preserving historical structures.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 920. To amend Code of Alabama 1940, Title 46, Section 24, which provides for the annual meeting of the state bar and for election of its officers so as to provide further for the election and succession of certain officers of the state bar.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 868. (With Amendment): To amend Code of Alabama, 1940, as amended, Title 29, Section 12; so as to prohibit the advertising of alcoholic beverages by billboards in "dry" counties; and to permit such advertising in "wet" counties.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills

and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 981. To amend Act No. 704, H. 475 of the Regular Session of 1951, commonly known as the Motor Vehicle Safety-Responsibility Act, so as to increase the security required therein.

H. 508. To authorize any city in the State of Alabama having a population of 34,000 or more according to the last or any subsequent federal census to plan, establish, develop, acquire, construct, enlarge, improve, maintain, equip, operate, regulate and protect any building, structure, land, right of way, equipment or instrumentality used or useful in connection with construction, equipping, development, maintenance or operation of any area or building for off-street parking of motor vehicles (defined as parking facilities), to finance the cost of parking facilities in whole or in part by the issuance of bonds, warrants, notes or other evidences of indebtedness and pledge to the payment thereof its full faith and credit and any tax, license or revenues which the city may then be authorized to pledge to the payment of bonded or other indebtedness; to lease or let parking facilities or any one or more of them to such tenant or tenants for such periods and for such compensation or rental and on such conditions as the governing body of the city may prescribe; to fix, establish, collect and alter parking fees, tolls, rents and other charges for the use of any parking facility; to make and enforce rules and regulations governing the use of any parking facility owned or operated by the city and to execute such contracts and other instruments and to take such other action as the governing body of the city may deem necessary or convenient in connection with parking facilities.

H. 122. To amend Title 33, Section 64, Code of Alabama 1940 Recompiled 1958, relating to mechanic's liens and assignment thereof, so as to provide further for the transfer of such liens to security by a deposit of money or bond with the court.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 791. (With Amendment): To further authorize and empower the Department of Pensions and Security to operate child support programs, locate absent parents, establish paternity, enforce child support obligations, to collect and distribute support payments, and to conform with certain provisions of the Social Security Act, as amended, in order to obtain maximum benefits under the Social Security Act, as amended; and to prescribe penalties.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 646. (With Substitute) (With Amendments): To amend Sections 3, 9, and 12, of Act No. 2479, H. 2083, Regular Session 1971, known as the Alabama Worthless Check Act, in order to change the definition of "notice", as used in this Act; to reduce the time given the drawer to pay the amount due on a check after receiving such notice; to make the offenses in Category III and any third and subsequent offense in any category a felony, with a mandatory fine and prison sentence for third

**REGULAR SESSION**  
**14th Day**

839

and subsequent offenses; to require the courts to order restitution as a part of all sentences, and to require court costs to be assessed to the defendant.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 749. To provide for a conclusive presumption in favor of an innocent purchaser or mortgagee for value without notice of non-delivery, where there has been a purported deed, mortgage or other conveyance of any interest in land, which has been signed by the grantor or mortgagor and recorded in the proper place for a period of three years.

H. 750. To amend Section 262, of Title 51, Alabama Code of 1940, relating to the sale of land for ad valorem taxes to make further provision for the recording and indexing of tax sales and deeds given in confirmation thereof and to provide for the duties of the judge of probate and the tax collector.

H. 751. To provide for the recording and indexing of sales to fore-close liens for unpaid municipal ad valorem taxes and improvement assessments against land.

H. 753. To provide for the recording of certificates of death, birth or marriage; to provide that such recordation shall be prima facie evidence of the facts contained therein; to provide for the indexing of such certificates; to provide for a recordation fee.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 755. (With Amendment): To validate deeds or other conveyances of land executed or delivered on Sunday by repealing Section 21 of Title 9, Alabama Code of 1940.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 801. (With Amendment): To provide for privileged communication between minister and counselee.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 986. (With Substitute): To provide that any local city or county board of education be allowed to shorten the minimum number of school day for the 1976-1977 school year only up to a maximum of five days because schools were closed due to sickness, ice, snow, inclement weather or gas shortage, to provide that no school shall lose any funds

and no teachers or employees shall lose any pay because of availing itself of the provisions of this Act.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 874. To provide protection to certain corporate citizens or residents of Alabama, their shareholders and employees and the public against takeover offers which do not provide full and fair disclosure of all material information, which do not provide adequate time for consideration or which are based upon unfair or inequitable terms; to prescribe regulations to insure such protection; to provide for enforcement of such regulations; to prescribe penalty for violation of such regulations and to provide for review of certain takeovers by the Alabama Supreme Court.

H. 1001. To prohibit the display of obscene, lewd or indecent publications or materials in places frequented by minors; to define terms; to prescribe penalties.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 847. (With Substitute): To require persons or companies bidding on asphalt plant mix to be sold to the State of Alabama to be licensed contractors as set out in Code of Alabama 1940, Title 46, Section 73, as amended, and requiring such asphalt plants to be inspected and certified by the Highway Department that it is capable of producing the amount required by the bid.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 935. To amend Act No. 951, Acts of Alabama, Regular Session, 1975, to provide that a non-resident contractor shall satisfy the Highway Department that it has paid all taxes due and payable to the State of Alabama or any political subdivision thereof prior to receiving final payment for contract work.

H. 936. To validate retroactively to March 24, 1965, the incorporation of public corporations attempted to be organized pursuant to Act No. 107, S. 2 of the 1965 First Special Session of the Legislature of Alabama (Acts 1965, Special Session, p. 132), as amended, and amendments to the certificate of incorporation of such corporations.

H. 939. To provide that full-time employees of the American Federation of Teachers may elect to become members of the Teacher's Retirement System of Alabama; also to provide that said Federation and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

H. 851. To provide for a privilege license for automotive dismantlers and recyclers; to fix a fee for such privilege license; to provide for the business which may be carried on under such privilege license; to set

qualifications of what will be needed to obtain such a privilege license; to provide for cancellation or revocation of such license; to prohibit violations of this act, to fix a penalty herefor; and to set an effective date.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 795 (With Amendment): To further amend Section 11 of Act No. 422, H. 325 of the 1951 Regular Session (Acts 1951, p. 745), as last amended and reenacted, which section pertains to the Real Estate Commission Fund, so as to eliminate the requirement of limiting the expenditure of funds to the budgeted and allotted amount appropriated by the legislature.

H. 796. (With Amendment): To further amend Sections 5, 10 and 11 of Act No. 422, H. 325 of the 1951 Regular Session (Acts 1951, p. 745) as last amended and reenacted, which Act pertains to qualifications for real estate broker and real estate salesmen licensees, so as to establish a "Real Estate Recovery Fund"; to provide procedural rights for aggrieved parties in certain real estate transactions and to provide for the termination of the license of any person against whom a judgment creates a claim against such fund; and to further provide for certain fees and the distribution thereof.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 797. To further amend Sections 4, 7, 10 and 12 of Act No. 422, H. 325 of the 1951 Regular Session (Acts 1951, p. 745), as last amended and reenacted, which Act regulates real estate brokers, salesmen and real estate transactions, so as to provide further therefor.

H. 989. To create and establish the Yacht Club Association of Alabama; to provide for its organization, powers and duties with respect to member clubs; to provide qualifications for admission of such member clubs to the state association; to provide a State Board of Commodores which shall govern the association and to prescribe their powers and duties; and to provide for the construction of an ocean racing sailing vessel to represent all of the state's yacht clubs, the people of Alabama, and the State of Alabama.

H. 1034. To further regulate any insurance company licensed to do business in this State which issues policies insuring loss resulting from cancer; and to prescribe penalties for violations of the provisions of this Act.

H. 1037. To prohibit junior colleges from owning real estate in excess of one hundred acres; to provide that this restriction shall not apply to any junior college owning in excess of one hundred acres prior to the enactment of this act but prevents such junior college from owning any additional acreage over that amount owned at the time of the enactment of this act; and to exclude from the restriction real estate donated by grant or gift, by will or otherwise.

H. 458. To provide the Department of Public Safety with the power and authority necessary to supervise, govern, and control the operation and use of wreckers and towing services by operators when engaged in a wrecker or towing service at the scene of accidents investigated by Alabama State Troopers, or any other wrecker or towing services needed by Alabama State Troopers. Provides for a licensing procedure, a rotation system and prohibits wreckers from going to the scene unless they have received an authorized call from the Department of Public Safety or the owner of the vehicle. It also prohibits on-the-scene solicitation by the operators.

Mr. McNair, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 254. (With Amendment): To provide for the election of recorders court judges in any city having a population of 300,000 or more inhabitants according to the most recent federal decennial census; to prescribe the term and qualifications for said judges; and to repeal all conflicting statutes.

Mr. McNair, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 444. To amend Section 22 of Act No. 248 of the Legislature of Alabama of 1945 (General Acts of 1945, pages 376-400) establishing a county wide civil service system for counties with a population of 400,000 or more, as amended by Act No. 562, approved October 9, 1947 (General Acts of Legislature of Alabama, 1947, page 398), by Act No. 670, approved September 16, 1953 (Acts of Legislature of Alabama, Regular Session, 1953, page 927), and by Act No. 1600, approved September 17, 1971 (Acts of Legislature of Alabama Regular Session, 1971, page 2754).

H. 462. To authorize any municipality having two hundred fifty thousand inhabitants or more according to the last or any subsequent federal census to sell and regulate the sale of stolen, abandoned, lost or unclaimed personal property.

Mr. McNair, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 499. (With Substitute): To amend Section 12 of Act No. 248 of the Regular Session of the Legislature of Alabama of 1945 (General Acts of Alabama, Regular Session 1945, p. 376, et seq.), to provide for a Pay Plan whereby Merit System Employees may receive Salary increases.

Mr. McNair, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:



## 14th Day

H. 923. To apply to every county of the State having a population of 500,000 or more according to the last or any subsequent Federal census; to empower the governing body of any such county to require the officer or department of the county issuing license tags or plates pursuant to Act No. 524 of the Regular Session of the Legislature of 1975 (Ala. Acts, 1975, pp. 1177-1178) to charge and collect a fee, not exceeding One Dollar (\$1.00), to cover the expense of issuing by mail the tabs, disks or other devices said Act No. 524 provides shall constitute evidence of payment of the license fee for the fiscal year indicated on such tab, disk or other device; to provide that such officer or department shall pay into the county treasury any fees collected under the Act; and to repeal all laws, whether general, special or local, in conflict herewith to the extent of any such conflict.

H. 941. To prohibit any municipality subject to the provisions of a civil service law or merit system within any county of the State of Alabama having a population of 500,000 or more inhabitants according to the last or any subsequent federal decennial census requiring any applicant for employment as an officer or employee of such municipality, or any officer or employee now or hereafter employed, to be a resident of such municipality; to prohibit the application of points, credits, or other benefits on behalf of residents so as to give residents of any such municipality an advantage over nonresidents, either in the employment, promotion, demotion, or discharge of employees.

Mr. Callahan, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 723. (With Amendments): Proposing an amendment to the Constitution of Alabama authorizing Mobile County to build and operate a county penal facility and to issue bonds and levy a tax to finance the facility.

The above bill was read a second time at length as required by the Constitution.

Mr. Callahan, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 81. To amend further Section 18 of Act No. 2431, H. 2569, Regular Session 1971 (Acts 1971, p. 3880 et. seq.), which relates to dog racing and wagering thereon in certain counties based on a population basis, so as to provide further for the distribution of the revenues received under said Act.

H. 82. To provide that all municipalities located in any county of the state having a population of more than 300,000 and less than 600,000, according to the 1970 or any subsequent federal decennial census, shall have authority, after notice as herein provided, to remove and demolish buildings and structures, parts of buildings and structures, party walls and foundations when the same are found by the governing body of such municipality to be unsafe to the extent of being a public nuisance; to provide for a hearing by the governing body if requested; to provide that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building or structure

was located and that such assessment shall constitute a lien on said property; and to provide a method of collecting such assessments.

Mr. Callahan, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 215. (With Amendment): To regulate further the issuance and execution of search warrants in connection with the enforcement in all counties having populations of not less than 300,000 nor more than 600,000, according to the most recent federal decennial census, of laws relative to narcotics and controlled substances; authorizing the execution of such warrants at any time of day or night.

Mr. Callahan, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 283. To amend Sections 2, 3, 4 and 6 of Act No. 248, 1947 Regular Session (Local Acts of 1947, p. 172), entitled "An Act To authorize and provide for the establishment, maintenance, operation and financing of a Public Law Library in Mobile County, Alabama; to authorize the governing body of said County to expend public funds under its control therefor; to provide for the taxing and collecting of additional court costs in certain Courts in said County for such purpose and for the expenditure thereof; to designate the officers to accomplish said purpose and to define the powers and duties of such officers with respect thereto, and the designation of personnel to operate said Library, or to assist therein, and the employment of additional personnel for said purpose, and the payment of the salaries of such personnel," so as to provide further for the financing of such law library and to provide for court costs to be imposed within the structure of the state courts of the unified judicial system established and implemented by Act No. 1205, S. 400 of the 1975 Regular Session.

H. 395. Relating to all counties having populations of not less than 300,000 nor more than 600,000 according to the 1970 or any subsequent federal decennial census; to provide for an additional expense allowance for the members of the county board of school commissioners.

H. 463. Relating to Mobile County; to provide for and require an election before any of the unincorporated areas of Tillman's Corner or Theodore may be annexed to the City of Mobile.

Mr. Callahan, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 536. (With Substitute): Relating to counties having a population of not less than 300,000 nor more than 500,000 inhabitants; authorizing the serving, buying, sale and drinking of alcoholic and malt or brewed beverage until 2 a.m. on Sunday.

Mr. Callahan, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the

**REGULAR SESSION**  
**14th Day**

845

following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 548. Relating to Mobile County, to amend Section 1 of Act No. 87, H. 270 Regular Session 1955, an Act relating to Mobile County and regulating the office of the Judge of Probate of said County (Acts 1955 Vol. 1, page 335) as last amended by an Act approved September 12, 1969, (Acts 1969, Vol. III, page 1988).

H. 549. To amend Section 2 of Act No. 929, H. 1822, Regular Session 1975 (Acts 1975, p. 3) relating to amendment of the retirement system of the City of Prichard by changing the effective date of said act.

Mr. Callahan, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 551. (With Amendment): An act to supplement the salaries of the District Judges of the Thirteenth Judicial Circuit.

Mr. Callahan, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 834. To honor the memory of the late John L. LeFlore; relating to counties of not less than 300,000 nor more than 600,000 inhabitants; to require that the next public high school built in any county to which this Act applies shall be named the John L. LeFlore High School.

H. 835. To amend Title 3, of Act 2431, H. 2569, 1971 Regular Session (Acts of 1971, p. 3880), as amended, entitled "relating to all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent decennial census; to provide for and create a County Racing Commission for the regulation, licensing, and supervision of dog racing, and wagering thereon; to prescribe the composition, appointment, powers and duties of the commission; to provide for and regulate the pari mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the Acts; and to provide other penalties for the violation of this Act and for other purposes relative thereto, and to provide for a referendum of the voters of the County on the question of whether the act will become effective in the County," to amend and change the compensation of each member of the Commission.

H. 1017. To amend the title and Sections 2 and 3 of Act No. 653, H. 589, 1975 Regular Session (Acts of 1975, p. 1410) relating to voter registration and reidentification in all counties having populations of not less than 300,000 nor more than 600,000 according to the 1970 or any subsequent decennial census, so as to require members of the Board of Registrars to be available to colleges in areas within such county for voter registration and reidentification purposes upon the request of the House of Representatives member who represents such area with the concurrence of the Senate member who represents such area; to provide transportation for the members of the board of registrars to and from places where any registration is being conducted, and to provide an increase in compensation for each member of the board.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1044. To amend Section 3 of Act No. 516, H. 584, 1955 Regular Session (Acts of 1955, Vol. II, p. 1160; now appearing in Code of Alabama 1940, Recompiled 1958, Title 37, Section 855) which relates to corporations providing medical clinics to allow more than three (3) members on boards of directors.

H. 476. Providing for the taxing as costs and collection of certain sheriffs fees and allowances and providing for the disposition of such fees and allowances.

H. 477. To amend Section 3 of Act No. 1231, H. 616, 1975 Regular Session (Acts of 1975, p. 2591) entitled "To provide for a retirement system for the sheriffs of the various counties within the state"; so as to provide that any sheriff who dies or otherwise withdraws from the retirement system shall be entitled to receive a full refund of all contributions paid by him.

H. 478. To amend Section 3 of Act No. 637, H. 53, 1976 Regular Session (Acts of 1976, p. 883) relating to the establishment of a joint state-county work-release program for state and county inmates; so as to provide that any transfer of inmates by the state board of corrections shall first be approved by the sheriff of the county in which such inmate is participating in a work-release program.

H. 1023. To provide that any public corporation heretofore or hereafter incorporated and existing under the provisions of Act No. 109, H. 148 of the 1961 Regular Session, as amended, [1961 Acts, p. 134; appearing in Code of Alabama 1940, Recompiled 1958, Title 22, Section 204 (41a)], is authorized and empowered to lease any hospital, building or facility constructed and equipped under the provisions of such act to any public corporation or any non-profit corporation. No rights under the terms of any contract shall be abrogated nor shall any security for the fulfillment of any obligation be jeopardized by the provisions of this act.

H. 1060. To amend Sections 6 and 19 of Act No. 107, S. 2, 1965 Special Session (Acts of 1965, p. 132; now appearing in Code of Alabama, Recompiled 1958, Title 50, Sections 83 and 96), as amended, which allows any county to create and incorporate a water authority, so as to increase membership of certain boards and to add an additional requirement where a new or amended authority extends within an existing authority's jurisdiction.

H. 767. To require that any project approved as an undertaking to be acquired by any medical clinic board incorporated under Act No. 516 of the 1955 Regular Session of the Legislature, as amended and supplemented (1975 Code Title 11, Chapter 58, Section 1 et seq.) may be disapproved within a limited time by the governing body of the municipality whose consent for the incorporation of such board is required if such project is located within the corporate limits of such municipality.

H. 926. To amend further Section 2 of Act No. 248, H. 580, 1945 Regular Session (Acts of 1945, p. 377; now appearing in Code of Alabama, Recompiled 1958, Appx., Section 646), relating to the establishment of a county civil service system for certain counties, so as to include police officers who are employed by municipalities whose population is 2500 or more according to the last federal census.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute with amendment and it was read a second time and placed on the Calendar, to-wit:

H. 931. (With Substitute) (With Amendment): To amend Sections 206, 207, 211 and 223, and all other sections of Chapter 7 of Title 22, Code of Alabama 1940, as amended, wherein the words or word "Alabama Dairy Commission" or the "Commission" appear, in order to provide for the abolishment of the Alabama Dairy Commission; to provide for the establishment and definition of the Milk Stabilization Council; to abolish wholesale and minimum retail milk price controls; to require the bidding of all milk sold for consumption in the public schools of Alabama; to continue in effect existing milk rules, regulations and orders of the predecessor Alabama Dairy Commission subject to review and action by the Milk Stabilization Council upon its appointment; and to provide for the repeal of all laws in conflict with this Act and establish the manner of the taking effect of this Act.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 315. To prohibit any state, county or municipal agency from establishing a minimum retail price for milk.

H. 334. To permit schools and non-profit institutions to purchase milk and other products distributed by dairy producers in accordance with the competitive bid provisions of Act No. 217, S. 23, Special Session of 1967 (Acts 1967, p. 259) and to stipulate that milk and other products distributed by dairy producers sold to these agencies must be provided by Alabama producers, if available.

Mr. Carter, Chairman of the Standing Committee on Conservation, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 71. To prohibit the taking, catching, capturing or killing of game or non-game fish by use of gill, trammell, or similar type net in the public streams and public bodies of water in this state and to prescribe penalties.

H. 453. To transfer any remaining funds out of the appropriation made to the Department of Conservation, Division of State Parks, Monuments and Historical Sites, by Act No. 653, H. 91, approved September 6, 1961 (Acts 1961, p. 790) to the Alabama Historical Commission to be expended for the restoration and development of the Fort Toulouse Site in Elmore County.

Mr. Carter, Chairman of the Standing Committee on Conservation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 674. (With Substitute): To provide certain trapping regulations and penalties for violations thereof.

Mr. Carter, Chairman of the Standing Committee on Conservation, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 980. To amend Sections 1, 2 and 3 of Act No. 2309, S. 804, 1971 Regular Session (Acts of 1971, p. 3731) relating to illegal deer hunting, so as to provide for the confiscation, forfeiture, and disposal of all equipment used in committing said offense.

H. 633. To further amend the "Alabama Water Management Act," viz: Act No. 685, S. 364 of the Regular Session of 1965, [Acts of Alabama 1965, Regular Session, Vol. II, p. 1246, now appearing in the Code of Alabama Recompiled 1958 as Title 2, Sections 273(1) to (58)] entitled "An Act To provide for the establishment of works of improvement for the drainage of wet, swamp, and over-flowed lands of the State, and for flood prevention or the conservation, development, utilization and disposal of water within the State; to authorize the organization of water management districts; to confer the right of eminent domain to the extent necessary to carry out the purposes of this Act; to provide for raising revenue by taxation and bond issue to pay the costs and expenses of carrying out the purposes of this Act; designating drainage districts as water management districts; prescribing penalties; and repealing Code of Alabama 1940, Title 2, Sections 208-262" by further amending Section 5 of the Act, and by amending Sections 6, 14, 17, 19, 20, 21, 23 and 24, of the Act which relate to certain procedural aspects incident to the organization of Water Management Districts.

H. 854. To provide for the confiscation and sale of seafood cargoes where such cargoes have been taken in violation of the laws and regulations pertaining to the harvest of seafoods and for the disposition of the proceeds of such sales.

H. 391. To amend Sections 39, 40 and 41 of Title 8, Code of Alabama 1940, as amended, pertaining to nonresident annual and trip fishing licenses, and the penalty for fishing without a license.

H. 396. To amend Act No. 751, Acts of Alabama, 1965 Regular Session, relating to the cost of purchasing non-resident hunting licenses, exempting non-residents under the age of sixteen (16) from having to purchase hunting licenses.

H. 792. Providing that certain elderly Alabama residents shall be entitled to hunt deer by any legal means without regard to sex during the special archery hunting season.

Mr. Kinsey, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 264. To prescribe, authorize and regulate investments of life, disability, and burial insurance companies.

S. 266. To allow the Commissioner of Insurance to place an insurance company under an order of supervision after a hearing thereon by appropriate order; setting forth certain prohibited acts while under supervision without prior approval.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the

following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 470. To amend Section 13 of Act No. 1516, H. 1864, 1971 Regular Session [Acts of 1971, p. 2631; now appearing in Code of Alabama Re-compiled 1958, Title 22, Sections 140(19)-140(29)], entitled "To provide for the regulation of the construction of water wells, to provide a system of reporting information concerning the drilling of water wells and results, to provide for the licensing of water well drillers, to provide for the promulgation and publication of rules and regulations to effectuate the provisions of this act, creating a board to be known as the Alabama Water Well Standards Board, to provide for the qualification, appointment and removal of board members and the filling of vacancies and fixing their tenure of office, and providing penalties for violation of this act"; so as to exempt Baldwin County from the provisions of that act.

H. 955. Relating to Lawrence County, providing that certain county prisoners and state prisoners who are housed in county or city jails of Lawrence County may be used on a voluntary basis in the building, repairing and maintenance of public roads, buildings and other public properties; providing for the commutation of sentence of certain state and county convicts who participate in such public work projects and providing for an appropriation from the state general fund in order to effectuate the provisions of this act.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 956. (With Substitute): Granting the county commission of Lawrence County the authority to pay certain expenses incurred by the Probate Judge of Lawrence County.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 997. To amend further Section 2 of Act No. 47, H. 100, Special Session 1962 (Acts 1962, p. 63), entitled "An Act To change the method of compensating certain officers of Elmore County, placing such officers on a salary basis and providing for the operation of their offices on such basis," so as to authorize additional clerical help for certain officers.

H. 998. To fix the compensation for bailiffs of courts in the Nineteenth Judicial Circuit and to provide for payment thereof by that county in which such bailiff serves.

H. 1021. Relating to all counties having a population of not less than 34,000 nor more than 34,800 inhabitants according to the 1970 or any subsequent federal decennial census, to provide for the appointment of a county engineer and to prescribe his qualifications and duties.

H. 1043. To permit banks now or hereinafter situated in, or having a branch in, Etowah County to establish, maintain and operate branch banks and branch offices within the limits of said county for the conduct of a general banking and trust business; and to repeal conflicting laws.

H. 1058. To authorize the governing bodies of Tuscaloosa County, the City of Tuscaloosa and the City of Northport to create the Tuscaloosa County Park and Recreation Authority, to appropriate funds to such authority, and to abolish existing park and recreation boards upon the establishment of such authority.

H. 1059. Relating to counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the 1970 or any subsequent federal decennial census; so as to provide for the regulation of the construction of water wells, within counties to which this act applies, to provide for the licensing of water well drillers, to provide for the promulgation and publication of rules and regulations to effectuate the provisions of this act, creating boards to be known as the County Water Well Standards Boards, to provide for the qualification, appointment and removal of board members and the filling of vacancies and fixing their tenure of office, providing penalties for violation of this act, and repealing conflicting laws.

H. 1033. To amend Act No. 384, H. 946, 1969 Regular Session (Acts 1969-70, p. 754) which act establishes a civil service system for certain Calhoun County employees, so as to modify the provisions of the act relating to prohibited political activities.

H. 1035. To amend the title and sections 2 and 3 of Act No. 481, H. 1193, 1976 Regular Session (Acts of 1976, p. 597), entitled "To regulate the registration and identification of certain trailers in all counties having a population of not less than 60,000 nor more than 65,000 inhabitants according to the 1970 or any subsequent federal decennial census and prescribe penalty for violations", so as to change the method of identification, to increase the penalty for failing to pay registration fee at the proper time, to provide for the allocation of revenue received from such penalty, to replace the term house trailer with mobile home and to properly number the sections.

H. 1030. Proposing an amendment to the Constitution of Alabama authorizing the incorporation in Marengo County of port authorities for the purpose of the development and commercial use of the inland waterways in such county.

The above bill was read a second time at length as required by the Constitution.

## RESOLUTIONS

The following resolutions were introduced:

By Mr. Manley:

H. R. 384. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we reach the hour of 12:00 noon, today, Thursday, March 24, 1977, the House will stand in recess for one hour for lunch and return to work at 1:00 p.m.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 384, was adopted.

Also:

By Messrs. Cross, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A),



**REGULAR SESSION**  
**14th Day**

851

Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce:

**H. J. R. 385. CONGRATULATING REPRESENTATIVE AND MRS. TOM DRAKE.**

WHEREAS, the Alabama Legislature, in its awareness that "Monday's child is fair of face," is pleased to note the birth of Christy Lee, a beautiful six-pound baby girl born Monday, March 14, 1977, to Representative and Mrs. Tom Drake; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate our proud colleague, Tom Drake, and his lovely wife, Chris, on this latest addition to their already fine family, and wish for little Christy Lee a long lifetime of happiness, wisdom and joy.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Chris and Tom Drake, and one to Christy Lee that she may later know of our warm wishes for every success in life.

On motion of Mr. Cross, the rules were suspended and the resolution, H. J. R. 385, was adopted.

Also:

By Mr. Campbell:

H. R. 386. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That after the House of Representatives has adjourned sine die at the end of any regular session, the speaker is hereby authorized to rename the membership of each standing committee. Such constituted standing committees shall take effect at the next regular or special session or at the time of the assignment thereto.

**SUBSTITUTE OFFERED**

Mr. Gafford offered the following substitute to the resolution, H. R. 386:

A motion in writing having heretofore been filed to appeal House Rule 41 on the 13th legislative day, I now move that House Resolution 386 be indefinitely postponed.

**MOTION TO TABLE LOST**

The motion offered by Mr. Campbell to table the substitute offered by Mr. Gafford to the resolution, H. R. 386, was lost.

Yeas 25; Nays 51.

Yeas:

Messrs.: Barron, Boles, Brindley, Campbell, Crawford, Dial, Greer, Gregg, Hill, Hilliard, Holley, Howard, Johnson, Killian, Lee, Leonard, Lewis,

Lockett, Naramore, Riddick, Smith (B), Weeks, Whatley, White and Wyatt.

—25

*Nays:*

Mr. Speaker, Armstrong, Baker, Biddle, Callahan, Carothers, Cates, Clark, Coburn, Cooper, Cross, Crowe, Drake, Edwards, Falkenburg, Gafford, Goodwin, Harris, Holmes (D), Jackson (F), Johnstone, Kennedy, Kinsey, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Owens, Pegues, Plaster, Porter, Rich, Roberts, Sandusky, Sasser, Shoemaker, Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Williams and Younce.

—51

#### SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Mr. Gafford to the resolution, H. J. R. 386, and the substitute was adopted.

Yeas 39; Nays 20.

*Yeas:*

Messrs.: Biddle, Callahan, Carothers, Clark, Coburn, Cross, Falkenburg, Gafford, Goodwin, Holmes (D), Jackson (F), Johnstone, Kennedy, Kinsey, McCluskey, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Owens, Pegues, Rich, Roberts, Sandusky, Sasser, Shoemaker, Smith (J), Smith (M), Sonnier, Starkey, Trammell, Venable, Waggoner, Weeks, White, Williams and Younce.

—39

*Nays:*

Messrs.: Barron, Boles, Campbell, Crawford, Dial, Greer, Gregg, Hill, Hilliard, Holley, Johnson, Lee, Leonard, Lockett, Martin, Naramore, Smith (B), Tucker, Whatley and Wyatt.

—20

And the resolution, H. R. 386 as thus amended, was adopted.

Also:

By Mr. Reed:

H. J. R. 387. URGING INTERVENTION BY PRESIDENT CARTER TO PREVENT THE CLOSING OF CRAIG AIR FORCE BASE IN SELMA, ALABAMA.

WHEREAS, a decision to close Craig Air Force Base would devastate the economy of Selma, Alabama, and surrounding Dallas County by initially boosting unemployment up to seventeen percent, or more, and leaving vacant up to 2,000 units of housing; and

WHEREAS, this area would suffer economically more than any of the areas in which the eight Air Training Commands are located and, further, would affect adversely a greater number of persons of a minority population due to the majority-minority ratio existing in Selma and Dallas County; and

WHEREAS, also, the tentative decision by the Air Force to close Craig AFB was based on studies which criteria measurements failed to note, or to take into consideration, the fact that of the eight bases involved, Craig has rated consistently in monthly ratings by the Air Force

**REGULAR SESSION**  
**14th Day**

853

in the top five in categories such as performance, number of flying hours and safety, among others; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That, in the interest of the economy of this area; because of the excellent community relations that exist between Craig AFB and Dallas County citizens; because of the economical soundness and expediency of the pilot training program and other military operations; and the readiness and availability of Craig AFB for increased pilot training when, and if necessary, for national security; we do unanimously urge President Carter to intervene immediately and take all due measures to prevent the closing of Craig Air Force Base in Selma, Alabama.

**BE IT FURTHER RESOLVED,** That copies of this resolution be sent to President Carter and to each member of the Alabama Congressional Delegation in Washington, D. C.

On motion of Mr. Reed, the rules were suspended and the resolution, H. J. R. 387, was adopted.

Also:

By Mr. White:

**H. R. 388. MEMORIALIZING THE PRESIDENT OF THE UNITED STATES TO DEVOTE HIS FULL TIME TO THE OFFICE OF THE PRESIDENCY.**

**WHEREAS,** the office of the Presidency is awesome in its power and scope; and

**WHEREAS,** the President is needed on a twenty-four basis to deal with the complex problems of this great nation; and

**WHEREAS,** it is beneath the dignity of the office of the Presidency for the President to engage in lobbying activities in connection with the state legislation; and

**WHEREAS,** if the President permits himself to become involved in lobbying activities before the fifty state legislatures, our national leadership will suffer; now therefore

**BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA,** that the President is urged to devote his full time to the duties of the Presidency and to refrain from lobbying for or against legislation in the various state legislatures.

**MOTION TO SUSPEND RULES AND ADOPT**

Mr. White offered the motion to suspend the rules and adopt the resolution, H. R. 388.

**DIVISION OF THE QUESTION**

Mr. Cooper called for the Division of the Question, and the call was sustained.

**MOTION TO SUSPEND RULES LOST**

The question was then on the motion offered by Mr. White to suspend the rules in order to take up for immediate consideration the resolution, H. R. 388, and the motion was lost.

Yeas 10; Nays 40.

Yeas:

Messrs.: Barron, Biddle, Carter, Gafford, Harris, Moore (W), Roberts, Robertson, Waggoner and White.

—10

Nays:

Messrs.: Buskey, Campbell, Coburn, Cooper, Crawford, Cross, Glass, Goodwin, Greer, Hall, Harrison, Hill, Hilliard, Holmes (D), Howard, Jackson (R), Johnson, Johnstone, Jolly, Kennedy, Leonard, Lewis, Lockett, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Pegues, Porter, Rich, Shoemaker, Smith (B), Smith (C), Venable, Weeks, Wyatt and Younce.

—40

The resolution, H. R. 388, was read and referred to the Standing Committee on Rules.

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

Also:

By Mr. White:

H. J. R. 389. CREATING A LEGISLATIVE LIAISON COMMITTEE FOR PRIMARY MEDICAL CARE.

WHEREAS, there is a pressing need for primary medical care in rural areas; and

WHEREAS, there is an increased number of physicians coming into the practice of medicine within the next two years, with a marked increase in the number of physicians graduating from the medical school at the University of Alabama in Birmingham; and

WHEREAS, the University of Alabama in Birmingham has agreed to work with these students and with the people at the local community level to study the needs of primary medical care in rural areas; and

WHEREAS, there is a need for a legislative liaison committee to see that rural Alabamians are made knowledgeable of this opportunity to secure physicians; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a legislative liaison committee to be composed of four members of the House and two members of the Senate to be appointed by the presiding officer of each house and one member to be appointed by the Governor. The members of the committee shall elect from among their membership a chairman and vice chairman. The committee shall work with the Medical School at UAB to see that community leaders of the rural areas of this state are made aware of the possibility of obtaining a physician for practice in their areas.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work.

**REGULAR SESSION**  
**14th Day**

855

Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman. The member of the committee appointed by the Governor shall be paid his expenses out of the Governor's contingency fund.

**AMENDMENT OFFERED**

Mr. Manley offered the following amendment to the resolution, H. J. R. 389:

Add an additional paragraph to read as follows:

"That the committee be limited to an expenditure of \$10,000.00 and that the members of the Committee from the House come from the Standing Committees on Military Affairs, Judiciary, Conservation and Banking, one each."

**AMENDMENT TABLED**

On motion of Mr. White, the amendment offered by Mr. Manley to the resolution, H. J. R. 389, was tabled.

Yeas 39; Nays 14.

*Yeas:*

Messrs.: Armstrong, Biddle, Boles, Carothers, Clark, Coburn, Cooper, Cross, Falkenburg, Ford, Glass, Goodwin, Hines, Holley, Jolly, Killian, Lee, Lewis, McMillan, McNees, Mitchem, Moore (O), Morris, Pegues, Porter, Quarles, Riddick, Sasser, Shelton, Shoemaker, Smith (C), Smith (J), Trammell, Warren, Whatley, White, Williams, Wyatt and Younce.

—39

*Nays:*

Messrs.: Barron, Gafford, Hall, Harrison, Howard, Johnson, Kennedy, Kinsey, Leonard, Lockett, Manley, Moore (W), Naramore and Venable.

—14

**MOTION TO RECONSIDER ADOPTED**

Having voted on the prevailing side, Mr. White offered the motion to reconsider the vote by which the amendment offered by Mr. Manley to the resolution, H. J. R. 389, was tabled, and the motion was adopted.

Yeas 48; Nays 21.

*Yeas:*

Messrs.: Armstrong, Baker, Barron, Campbell, Carothers, Clark, Cooper, Crawford, Falkenburg, Ford, Glass, Gregg, Hill, Hilliard, Hines, Holley, Holmes (D), Johnstone, Jolly, Kennedy, Killian, Lee, Leonard, Lockett, McMillan, McNair, McNees, Mitchem, Moore (O), Moore (W), Owens, Pegues, Riddick, Roberts, Sasser, Shelton, Shoemaker, Smith (J), Smith (M), Trammell, Turnham, Waggoner, Warren, Weeks, Whatley, White, Williams and Younce.

—48

*Nays:*

Mr. Speaker, Cates, Drake, Edwards, Hall, Harrison, Howard, Johnson, Kinsey, Lewis, McCulley, Manley, Martin, Morris, Naramore, Porter, Quarles, Rich, Sparks, Venable and Wyatt.

—21

#### AMENDMENT TABLED

The question was then again on the amendment offered by Mr. Manley to the resolution, H. J. R. 389, and on motion of Mr. White, the amendment was tabled.

Yeas 47; Nays 16.

*Yeas:*

Messrs.: Armstrong, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Dial, Falkenburg, Glass, Goodwin, Gregg, Hill, Hilliard, Hines, Holley, Holmes (D), Jolly, Killian, Lee, Leonard, Lockett, McMillan, McNair, McNees, Mitchem, Moore (O), Moore (W), Owens, Pegues, Riddick, Roberts, Sasser, Shelton, Shoemaker, Smith (C), Smith (J), Smith (M), Trammell, Turnham, Warren, Weeks, Whatley, White, Williams and Younce.

—47

*Nays:*

Messrs.: Barron, Ford, Gafford, Hall, Harrison, Johnson, Kennedy, Kinsey, Lewis, Manley, Martin, Morris, Naramore, Rich, Venable and Wyatt.

—16

#### AMENDMENT OFFERED

Mr. Leonard offered the following amendment to the resolution, H. J. R. 389:

Amend H. J. R. 389 by adding at the end of the resolution:

“The Committee shall not spend more than \$10,000.”

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 66; Nays 1.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Boles, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Drake, Falkenburg, Ford, Glass, Goodwin, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Johnson, Kennedy, Kinsey, Lee, Lewis, Lockett, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Porter, Rich, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Trammell, Tucker, Turnham, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—66

*Nay:* Mr. Venable.

—1

#### MOTION TO SUSPEND RULES AND ADOPT

Mr. White offered the motion to suspend the rules and adopt the resolution, H. J. R. 389 as amended.

REGULAR SESSION  
14th Day

857

SUBSTITUTE MOTION TABLED

On motion of Mr. White, the substitute motion offered by Mrs. Quarles to postpone further consideration of the resolution, H. J. R. 389 as amended, to the sixteenth legislative day, was tabled.

Yeas 56; Nays 11.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Boles, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Edwards, Falkenburg, Glass, Goodwin, Greer, Gregg, Hall, Hines, Holley, Holmes (D), Jackson (F), Jolly, Kennedy, Killian, Lee, McMillan, McNair, McNees, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Porter, Rich, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Turnham, Warren, Weeks, Whatley, White and Williams.

—56

*Nays:*

Messrs.: Barron, Harrison, Hilliard, Jackson (R), Johnson, Leonard, Lewis, Manley, Martin, Morris and Venable.

—11

RESOLUTION ADOPTED

The question was then on the motion offered by Mr. White to suspend the rules and adopt the resolution, H. J. R. 389, as amended, and the motion was adopted.

Yeas 69; Nays 8.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Hines, Holley, Holmes (D), Howard, Jackson (F), Jolly, Kennedy, Killian, Lockett, McCluskey, McMillan, McNair, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Porter, Reed, Rich, Riddick, Roberts, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Warren, Weeks, Whatley, White and Williams.

—69

*Nays:*

Messrs.: Barron, Harrison, Johnson, Lee, Leonard, Lewis, Turnham and Venable.

—8

REPORT FILED

Pursuant to House Joint Resolution 282, Act No. 429, Regular Session of the 1976 Legislature, Rep. Robert T. Crowe, Chairman, submitted the final report adopted by the Joint Committee to Study Wood Fiber and Requirements for Facilities to Export Wood Chips World-wide, and the report was ordered filed.

RESOLUTION

The following resolution was introduced:

By Mr. Starkey:

H. J. R. 390. NAMING A SECTION OF STATE HIGHWAY 40  
"RED BUD DRIVE."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body hereby names and designates that part of State Highway 40 in Jackson County from State Highway 35 to the top of Sand Mountain, "Red Bud Drive."

BE IT FURTHER RESOLVED, That the Highway Department is hereby authorized and directed to erect and maintain appropriate signs and markers so designating said section of State Highway 40.

On motion of Mr. Starkey, the rules were suspended and the resolution, H. J. R. 390, was adopted.

#### MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Cooper to suspend the rules in order to take up out of order the third reading of the bill, H. 423, was lost, lacking a four-fifths vote.

Yeas 38; Nays 12.

#### Yeas:

Messrs.: Baker, Buskey, Callahan, Cooper, Crowe, Falkenburg, Gafford, Greer, Gregg, Harris, Harrison, Hill, Hilliard, Hines, Johnstone, Kennedy, Lee, McCluskey, McCulley, McNair, McNees, Martin, Merrill, Moore (O), Morris, Naramore, Porter, Reed, Sandusky, Smith (B), Sonnier, Starkey, Trammell, Tucker, Warren, Whatley, White and Younce.

—38

#### Nays:

Messrs.: Barron, Cates, Holley, Jackson (F), Jolly, Leonard, Plaster, Riddick, Smith (C), Smith (M), Turnham and Venable.

—12

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### RECESS

Pursuant to the resolution, H. R. 384, heretofore adopted, the House recessed for one hour.

#### HOUSE RECONVENED

The hour of 1:00 o'clock, p.m., having arrived, the House reconvened. The Speaker called the House to order.

#### RESOLUTIONS

The following resolutions were introduced:

By Messrs. Hill, Greer, Coburn and Goodwin:

H. J. R. 391. COMMENDING THE UNIVERSITY OF NORTH ALABAMA BASKETBALL TEAM.

WHEREAS, the UNA Lions captured the championship of the NCAA Division II Regional playoffs and, playing brilliantly, advanced to the national semifinals at Springfield, Massachusetts, where on March 19, 1977, their decisive 93-77 victory over Sacred Heart University put them in the nation's number 3 spot, marking the highest level of play, not only for UNA, but for any Gulf South Conference team; and



WHEREAS, UNA's 24-7 season record also marks another first for the Lions, the most wins ever for any GSC school, an accomplishment due in large measure to the enthusiastic team spirit displayed by each player in every game throughout the entire season; and

WHEREAS, Head Coach Bill Jones and Assistant Coaches Tom Suitts and Gerald Douglass are deserving of credit and praise for the high degree of technical skill displayed in team play, with appreciation due also to Managers Donny Gerald Strawn and Belton Jones for their work towards this greatly successful season, and to Statistician James Monroe; and

WHEREAS, the University of North Alabama, the Gulf South Conference, and the state of Alabama were represented in this national competition by team members: James William Armstrong, James Otis Boddie, Freddie Louis Copeland, Richard Lee Hartry, Billy Ray Hill, Gerald Lavender, Garry Wayne Moore, Timothy John Morgan, Stephen Lee Sanders, Connie Lynn Vaughn, Ricky Daryl Vaughn, and Larry Edward Vinson; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate and commend the UNA Lions for championship participation and for ranking 3rd in the nation in the NCAA Division II finals, and direct that copies of this resolution be sent to UNA President, Robert M. Guillot and to Head Coach Billy Lee Jones.

On motion of Mr. Hill, the rules were suspended and the resolution, H. J. R. 391, was adopted.

Also:

By Mr. Holmes (D):

H. R. 392. CONGRATULATING MIKE MASON FOR HIS AWARD WINNING PERFORMANCE.

WHEREAS, the Alabama House of Representatives has noted that Mike Mason of Montgomery, Alabama was first place winner of the Banjo contest in June, 1976 at Bill Monroe's Bluegrass Festival in Bean Blossom, Indiana; and

WHEREAS, Mike Mason, banjo instructor at the Dark Hollow Bluegrass Inn, also is scheduled to appear, in the very near future, with Bill Monroe and his Bluegrass Boys on the Grand Ole Opry; and

WHEREAS, in addition to bringing honor and fame to his state, he is to be commended for helping to preserve and encourage the art of Bluegrass and Country music, much of which is indigenous to Alabama and to this area of our country; and

WHEREAS, this young man of exceptional talent, undoubtedly, has earned for himself a place of prominence in the country and bluegrass music field, music which has come into its own; it became known first as the "Sound of '76." is surely the "sound of today," and will also become the "sound of the future"; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That we congratulate Mike Mason on his phenomenal success, commend him for his efforts in so ably contributing to the promotion of this type music, and wish him well in all future endeavors.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Mason that he may know of our warm praise.

On motion of Mr. Holmes (D), the rules were suspended and the resolution, H. R. 392, was adopted.

Also:

By Messrs. Sparks and Drake:

H. R. 393. REGRETTING THE ILLNESS OF JUDGE KENNETH J. GRIFFITH.

WHEREAS, the Alabama Legislature regrettably has learned of the illness of Judge Kenneth J. Griffith; and

WHEREAS, Judge Griffith has served as probate judge of Cullman County, also as circuit judge, and currently serves as supernumerary circuit judge; and

WHEREAS, this body is mindful and deeply appreciative of the many contributions of Judge Griffith to his community, county and state, and also is aware that his illness is an experience of shared distress and concern by all his family and many friends; now therefore,

BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That we most earnestly beseech his early and complete recovery.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Judge Griffith that he may know of our good wishes and deep feelings.

On motion of Mr. Sparks, the rules were suspended and the resolution, H. R. 393, was adopted.

#### INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Messrs. White and Falkenburg (With Notice and Proof):

H. 1064. To amend Section 167, Title 62, Code of Alabama of 1940 so that said Section 167, as amended, will provide in substance as follows: that in Jefferson County the Office of Coroner is abolished and that all powers, rights and duties now or hereafter authorized or required by law to be performed by coroners shall be exercised and performed by the county governing body through appointed Coroners/Medical Examiners, representatives or agents, for the performance of such duties in the entire county or in a designated portion thereof; that the county governing body shall be authorized to promulgate rules and regulations governing the operation of the Coroners'/Medical Examiners' office and the performance of the duties of the members on the staff; that the employment and compensation of such Coroners/Medical Examiners, representatives or agents shall be governed by any applicable civil service law; that each Coroner/Medical Examiner shall be a physician licensed to practice medicine in Alabama and recognized and trained in forensic medicine and pathology; that when there is more than one Coroner/Medical Examiner on the staff, the county governing body shall designate one of them as the Chief Coroner/Medical Examiner, and until such designation the Coroner/Medical Examiner longest in the continuous service of the County shall be the Chief Coroner/Medical Examiner; that the Chief Coroner/Medical Examiner shall direct the staff, subject to the supervision of the county governing body; that it shall be the duty of

the Chief Coroner/Medical Examiner to investigate and determine, or to secure another Coroner/Medical Examiner to investigate and determine the cause and manner of any death when any death falls within one or more of the following categories: (a) criminal violence or criminal neglect, (b) suicide, (c) accident, (d) suddenly when in apparent good health (e) unattended by a practicing physician, (f) suspicious or unusual circumstances, (g) criminal abortion, (h) poisoning, (i) diseases constituting a threat to public health, (j) disease, injury or toxic agent resulting from employment, (k) while under anesthesia or within twenty-four hours following anesthesia or any other diagnostic or therapeutic procedure, (l) in any prison or penal institution, (m) when in police custody, (n) when a body is to be cremated, dissected or buried at sea, (o) unclaimed bodies, and (p) when a dead body is brought into this State without proper medical certification; that in investigating a death under Section 167, a Coroner/Medical Examiner shall be authorized to take charge of the dead body, to investigate the circumstances of the death, to conduct or have conducted an autopsy, and whether or not there is an autopsy, to take and retain whatever tissues and biological samples he deems necessary, including blood and/or urine, from the body of a person which he deems necessary to establish the cause and manner of such person's death, and to take possession of any object or article which in his opinion would be useful in establishing the identity of the deceased and/or the cause and manner of death; that there shall be vested in Medical Examiners all the authority now or hereafter vested in coroners by the law of Alabama, including the authority Section 76, Title 15, Code of Alabama of 1940, herein called "Section 76", vests in coroners to make inquiry of the facts and circumstances of the death of any person who has been killed or has suddenly died under such circumstances as to afford a reasonable ground for belief that such death has been occasioned by the act of another by unlawful means, and the authority Section 76 vests in coroners to submit to a judge of a court of record or a district attorney sworn written statements of witnesses having personal knowledge of such circumstances, and to summon, upon direction of such judge or district attorney, a jury to inquire into the cause and manner of such person's death; and that no member of the county governing body, Coroner/Medical Examiner, registered nurse or appointed assistant, shall incur any civil or criminal liability for his actions under Section 167.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1064, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Smith (M):

H. 1065. Relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census; providing for a salary increase for certain county officers.

Local Legislation No. 1.

By Mr. Sandusky:

H. 1066. Providing for the issuance of a certificate of birth by the state registrar of vital statistics for any child who was born outside the United States or its possessions and adopted, heretofore or hereafter, by an order of a court in this state.

State Administration.

By Messrs. Smith (C) and Owens:

H. 1067. To amend Section 4-106 of Act No. 1205, S. 400, 1975 Regular Session, [Acts of 1975, p. 2384; now appearing in Code of Alabama, 1940 (Recomp. 1958) Title 13A, Section 4-106], so as to remove the power of district courts to grant defendants the right to drive an automobile under certain conditions.

State Administration.

By Mr. Taylor:

H. 1068. Relating to actions for wrongful death; to define the type and nature of damages recoverable in such actions; to make the provisions hereof applicable to pending cases; and to repeal conflicting laws.

Judiciary.

By Messrs. Taylor, Rich, Ford and Brindley:

H. 1069. Relating to counties having populations of not less than 90,000 nor more than 100,000; to authorize the county governing body of the judicial circuit in which such counties are located to furnish to the office of the District Attorney necessary personnel, equipment and supplies; to provide that this act apply retroactively.

Local Legislation No. 1.

By Mr. Smith (J):

H. 1070. To regulate the use of pesticides; authorize the establishment of categories of pesticide applicators; provide for the certification by category, of persons who use or supervise the use of toxic and dangerous pesticides; prescribe the requirements for certification; require persons engaging in custom application of pesticides to be licensed; fixing the licensing requirements, fees, record keeping requirements, and financial responsibility requirements; to empower the Commissioner of Agriculture and Industries to administer and enforce the requirements of this Act, prescribing his duties and authority, and to authorize the adoption of rules and regulations for implementation of this Act; to provide for exemptions from the requirements of this Act; to provide enforcement provisions and penalties for violation of this Act; to provide judicial review for persons aggrieved by actions resulting from the enforcement of this Act and to repeal conflicting laws including Act No. 1957, Legislature of 1971 (Regular Session), approved September 20, 1971, as amended.

Agriculture.

By Mr. Smith (J):

H. 1071. To amend Act No. 1949, H. 894, Legislature of 1971 (Regular Session), approved September 20, 1971 (Acts of 1971, Vol. IV, p. 3151), an Act "to regulate the sale, offering for sale, distribution and transportation of pesticides by prescribing certain conditions and requirements therefor" etc., by amending Section 3 of said Act to make it unlawful for a person to use any pesticide in a manner inconsistent with its label.

Agriculture.

By Mr. Smith (J):

H. 1072. To further regulate persons performing professional work or services pertaining to entomological, pathological, horticultural, floricultural and tree surgery work as defined in Chapter 7 of Title 2 of the Code of Alabama of 1940, as amended, and to regulate weed control work which requires the use and application of restricted use pesticides

and other pesticides for eradication or control of insect pests, plant diseases and other pests and related activities involving use and application of restricted use and other pesticides to the end that the use and application of such pesticides will be conducted in accordance with requirements of the Federal Insecticide, Fungicide and Rodenticide Act and the Federal Environmental Protection Agency by requiring additional requirements for persons performing such services or work; to prescribe the qualifications for persons performing the aforesaid work; to prescribe the materials used and methods of application of such pesticides, the handling and disposal of these materials, identification of equipment used, records to be maintained as well as the requirements for the issuance of a permit to perform such work and other related regulatory requirements; to provide that the provisions of this Act shall be cumulative or supplemental to other regulatory laws pertaining to the use and application of pesticides, the enforcement and penal provisions and the effective date of this Act.

Agriculture.

By Mr. Glass:

H. 1073. Relating to counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the 1970 or any subsequent federal decennial census; requiring a rotation system for wreckers; prohibiting speeding, reckless driving, on-the-scene solicitation by wrecker drivers; prohibiting wreckers from going to the scene of a wreck unless called; prohibiting troopers or any other law enforcement officer in such counties from displaying favoritism in calling wreckers; and establishing penalties.

Local Legislation No. 3.

By Messrs. Smith (M) and Turnham (With Notice and Proof):

H. 1074. To authorize the county governing body of Chambers County to create a contingency fund out of the funds of the county treasury not otherwise encumbered.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1074, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Greer, Hill and Coburn (With Notice and Proof):

H. 1075. Relating to Lauderdale County; authorizing and regulating the issuance in Lauderdale County of motor vehicle license tags, tabs, discs or other devices, evidencing the payment of fees and taxes by mail; authorizing a fee to be charged for such mail order service.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1075, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Greer, Coburn, McNair, Hill, Waggoner, Carter, Moore (W), Trammell, Martin, Roberts, Cross, Gregg, Smith (B), Starkey, Brindley, Kelley and Killian:

H. 1076. Relating to distribution of certain state revenues among counties in the state; to provide further for such distribution of certain

payments made by the Tennessee Valley Authority under federal statutes to the state in lieu of property taxes; to amend further Section 1 of Act No. 255, H. 313, Regular Session of 1943 (General Acts 1943, p. 226), as amended, and to amend further Section 4 of Act No. 92, H. 101, Second Special Session 1963 (Acts 1963, p. 257), as amended, so as to provide further for the distribution, disposition and use of such revenues derived from the sale of alcoholic beverages and to specifically repeal Code of Alabama 1940, Title 29, Sections 10 and 11, and all other laws in conflict herewith.

Ways and Means.

By Mr. Merrill:

H. 1077. To provide further for interstate cooperation; specifically to provide for a transfer of the duties, functions, jurisdiction, authority, property and effects of the Alabama Commission on Intergovernmental Cooperation, upon its termination, to the Legislative Council; to vest certain powers and authority in the Legislative Council; and to declare that the Council of State Governments shall continue to be a joint governmental agency of this State and of the other states which co-operate through it.

Ways and Means.

By Mr. Merrill:

H. 1078. To provide further for the compensation of the Director of the Legislative Reference Service.

Ways and Means.

By Messrs. Crowe and Naramore (With Notice and Proof):

H. 1079. Providing for purging the lists of registered voters in Walker County; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1079, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Cross:

H. 1080. To repeal Act No. 714, H. 1116 of the Regular Session of 1976, entitled "An Act To apply only in counties having a population of not less than 27,000 nor more than 27,900 according to the 1970 or any subsequent federal decennial census, fixing the expense allowance of the civil defense coordinator"; and to give this act retroactive effect.

Local Legislation No. 1.

By Messrs. Crowe and Sparks:

H. 1081. Relating to all counties having populations of not less than 16,600 nor more than 16,950 inhabitants according to the 1970 or any subsequent federal decennial census; allowing the county governing body of any such county to pay certain necessary and reasonable expenses incident to the official business of the judge of probate, including professional dues, registration, meals, tuition and other fees, and travel

**REGULAR SESSION**  
**14th Day**

865

and lodging while attending professional seminars; providing that such expenses shall be paid from the county funds of such counties; and making the provisions of this act retroactive.

Local Legislation No. 1.

By Mr. Hilliard:

H. 1082. Relating to counties with populations of more than six hundred thousand; allowing said counties to grant ad valorem tax exemptions from county ad valorem taxes for up to fifteen years to owner-developers who build new commercial or industrial facilities on previously improved real property within the city limits of any cities located in said county; providing that such owner-developers receiving such exemptions shall, however, pay abatement property taxes assessed on not less than the highest value at which said property was assessed at any time within five years prior to the grant of exemptions, and to provide for the procedures to be followed in the granting of such exemptions and in the determination of the amount of such abatement property taxes.

Local Legislation No. 2.

By Messrs. Hines and Callahan:

H. 1083. Relating to Indian citizens of the State of Alabama; creating the Indian Affairs Commission of Alabama; providing for its duties and membership; prescribing the method of appointment and compensation of the members of said commission; providing for an appropriation for such commission from the state general fund; and repealing all laws or parts of laws conflicting with this act, specifically repealing Act No. 533, S. 449, 1976 Regular Session (Acts of 1976, p. 684).

Ways and Means.

By Messrs. Hill, Greer and Coburn:

H. 1084. Relating to all counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; setting the salary of the clerk of the jury commission in such counties, retroactive to March 1, 1976, payable out of the funds of the county treasury.

Local Legislation No. 1.

By Mr. Hill:

H. 1085. To provide for a pay increase for enforcement agents and licensed investigators of the Alcoholic Beverage Control Board and to appropriate necessary funds.

Ways and Means.

By Messrs. Manley and Sasser:

H. 1086. To amend Section 2 of Act No. 1218, H. 342, Regular Session of 1973 as amended by Section 1 of Act No. 1133, H. 1623, Regular Session of 1975 which relates to appropriation for the renovation, repair, refurbishing, and refurbishing to certain state buildings so as to permit the previously appropriated sum of Two Million Dollars to be used for both interior and exterior restoration of the State Capitol.

State Administration.

By Mr. Turnham:

H. 1087. To further amend Section 364 of Title 52 of the Code of Alabama 1940, as amended, and to amend Section 2 of Act No. 1109, H. 40, Regular Session of the Legislature, 1975, which relate to credit

for military service within the teachers retirement system so as to relieve certain restrictions on certain teachers receiving military retirement benefits and to appropriate funds to carry out the provisions of this act.

Ways and Means.

By Mr. Kennedy:

H. 1088. To amend Act No. 36, H. 56, 1965 Special Session (Acts 1965, Special Session, p. 54) which Act provides for periodic voter reidentification in counties having populations of not less than 300,000 nor more than 500,000, so as to provide that any elector voting at any election during the four years next preceding any periodic reidentification shall be deemed to have reidentified.

Local Legislation No. 3.

By Messrs. Plaster and Owens:

H. 1089. To amend Section 1 of Act No. 208, S. 34, Special Session 1966 [Acts 1966, p. 256, now appearing in Code of Alabama, Recompiled 1958, Title 55, Section 378(2)], as amended, entitled: "An Act To authorize, regulate and provide for the payment by the State of Alabama of compensation to the surviving dependents of certain peace or law enforcement officers and certain firemen who are killed or whose death results from an injury received in the course of his employment and while he is engaged in the performance of his duties; to designate the state board of adjustment as the state agency or awarding authority to hear, determine and order the payment of claims for compensation hereunder; to make an appropriation for payment of awards," so as to redefine the term "peace officer" to include employees of any alcoholic beverage control board liquor store while transporting receipts from said store to a bank or similar institution and to correct a typographical error in the act.

Ways and Means.

By Messrs. Hines and Warren (With Notice and Proof):

H. 1090. To provide for the establishment of a merit system for Escambia County, Alabama, and a merit system board governing the removal and official conduct of employees of the county; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1090, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Brindley, Turnham, Starkey, Sasser, Boles and Weeks:

H. 1091. To provide for the granting of up to six years of creditable service under the Teachers' Retirement System of Alabama for employment—service in public education, which service was rendered outside the State of Alabama under certain conditions and provided that any member of the Teachers' Retirement System claiming such service must pay the total cost involved therein.

Ways and Means.

By Messrs. Gregg, Albright and Riddick:

H. 1092. To further amend Title 36, Section 90, Code of Alabama, 1940, as amended, which provides exemptions from regulations as to size



**REGULAR SESSION**  
**14th Day**

867

and weight of certain vehicles, so as to authorize the municipalities within the state to provide by ordinance maximum limits with respect to the weight, height, width, and length of motor trucks, semi-trailer trucks and trailers in connection with use or operation of said vehicles upon any public street or highway maintained exclusively by said municipality.

Local Government.

By Messrs. Gregg, Albright and Riddick:

H. 1093. To provide judges of municipal courts with the authority to grant limited driving privileges in certain cases until December 27, 1977, the effective date of Sections 8-101 through 8-119 of Act No. 1205, S. 400, 1975 Regular Session (Acts of 1975, p. 2384).

Local Government.

By Messrs. Gregg and Riddick:

H. 1094. To amend Title 36, Section 70, Code of Alabama 1940, as last amended, relating to the suspension and revocation of driving privileges, so as to make certain certificates prima facie evidence of revocation or suspension.

Judiciary.

By Messrs. Gregg, Smith (B) and Riddick:

H. 1095. To amend Section 1 of Act No. 738, H. 1596 of the 1971 Regular Session of the Legislature (Acts 1971, p. 1453) relating to the election of council members in cities having a population of not less than 135,000 nor more than 185,000 inhabitants according to the 1970 or any subsequent federal decennial census, so as to provide that the successors of the incumbent council members serving in places number 3, 4 and 5 shall be elected on the second Tuesday next, after Labor Day in the year 1978, for a two-year term commencing on the first Monday in October next, after their election, and thereafter for terms of four years commencing on the first Monday in October next, after their election.

Local Legislation No. 4.

By Mr. McNeese:

H. 1096. Relating to counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide certain county officials of such counties with additional allowances.

Local Legislation No. 1.

By Mr. McCulley:

H. 1097. To provide retirement benefits for elected officials in all municipalities in any county having a population of not less than 300,000 nor more than 600,000 inhabitants according to the 1970 or any subsequent federal decennial census and to provide for the payment of such benefits.

Local Legislation No. 3.

By Mr. Jolly (With Notice and Proof):

H. 1098. To alter, rearrange, extend and redefine the boundaries and corporate limits of the City of Warrior in Jefferson County, Alabama.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1098, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Greer, Hill and Coburn:

H. 1099. To propose an amendment to the Constitution of Alabama providing for home rule for Lauderdale County or any municipality within Lauderdale County.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Mr. Owens (With Notice and Proof):

H. 1100. Relating to Bibb County; amending the title and Section 4 of Act No. 1381, H. 2294 of the 1971 Regular Session (Acts 1971, Vol. III, p. 2327), as amended, which act pertains to the governing body of the county, so as to reflect matters of compensation in the title and to increase the monthly expense allowance of certain commissioners, payable from the county treasury.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1100, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Barron, Harris, Plaster and Lewis:

H. 1101. To amend Section 4.02 of Act No. 618, H. 796, 1973 Regular Session of the Legislature (Acts 1973, p. 879), relating to the Mayor-Council form of government in cities with a population of not less than 70,000 nor more than 135,000 inhabitants according to the 1970 or any subsequent federal decennial census, so as to provide further for statements of candidacy for Mayor in such cities.

Local Legislation No. 4.

By Messrs. Barron, Wyatt, Harris, Plaster and Lewis:

H. 1102. To amend Section 3.09 of Act No. 618, H. 796, 1973 Regular Session of the Legislature (Acts 1973, p. 879), relating to the Mayor-Council form of government in cities with a population of not less than 70,000 nor more than 135,000 inhabitants according to the 1970 or any subsequent federal decennial census, so as to provide further for vacancies in the councils of such cities.

Local Legislation No. 4.

By Messrs. Johnson and Robertson:

H. 1103. Relating to all cities having a population of not less than 60,000 nor more than 120,000 inhabitants according to the 1970 or any subsequent federal decennial census; allowing the city governing body of such counties to continue paying the salary of certain employees injured in special circumstances; allowing such employees to continue accruing benefits; and making the provisions of this act retroactive to January 1, 1977.

Local Legislation No. 1.

**REGULAR SESSION**  
**14th Day**

869

By Mrs. Quarles:

H. 1104. Relating to all counties having a population of not less than 27,900 nor more than 33,500 according to the 1970 or any subsequent federal decennial census; to provide that all county road employees in such counties shall receive a \$100 per month salary increase paid out of the county general fund.

Local Legislation No. 1.

By Messrs. Kinsey and McMillan:

H. 1105. To provide that all real estate shall be assessed for ad valorem tax purposes according to its value in actual use and not according to any speculative or potential use in all counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Local Legislation No. 1.

By Messrs. White and Falkenburg:

H. 1106. To repeal Act No. 678, H. 247, 1976 Regular Session (Acts of 1976, p. 927) entitled "An Act Relating to the regulation of the practice of podiatry in Alabama; to provide that all contracts of insurance or plans or agreements for health services issued or delivered in this state shall cover and include the services performed by podiatrists under this act."

Health.

**RESOLUTIONS**

The following resolutions were introduced:

By Mr. Smith (M):

H. R. 394. COMMENDING MR. & MRS. ORAN J. PERRY, SR.

WHEREAS, Mr. and Mrs. Oran Perry, Sr. were legally joined together in holy matrimony; and

WHEREAS, they have remained in said holy state for over one-half century; and

WHEREAS, they have honored their marriage vows of so long ago and kept each other in sickness and in health; and

WHEREAS, they have loved and honored each other above all other people and defended each other against all things injurious; and

WHEREAS, they have been exemplary citizens of this County and have set an enviable example for posterity to follow:

NOW, THEREFORE, BE IT RESOLVED, that the Alabama House of Representatives does hereby acknowledge the sublime example set by Mr. and Mrs. Oran Perry, Sr. over the last one-half century; and

BE IT FURTHER RESOLVED, that the State of Alabama does on this occasion take time to gratefully thank Mr. and Mrs. Oran Perry, Sr. for all their enduring efforts to make this world a better place to live; and

BE IT EVEN FURTHER RESOLVED, that the date of the consummation of their marriage be hereafter and forevermore celebrated as Mr. and Mrs. Oran Perry, Sr. Memorial Day. Also be it resolved, that a copy of this resolution be sent to Mr. and Mrs. Oran J. Perry Sr.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 394, on the Clerk's desk for one legislative day.

Also:

By Mr. Smith (M):

H. R. 395. COMMENDING REV. & MRS. CECIL M. HALSEY.

WHEREAS, Mr. and Mrs. Cecil Halsey were legally joined together in holy matrimony; and

WHEREAS, they have remained in said holy state for over twenty-five years; and

WHEREAS, they have honored their marriage vows of so long ago and kept each other in sickness and in health; and

WHEREAS, they have loved and honored each other above all other people and defended each other against all things injurious; and

WHEREAS, they have been exemplary citizens of this County and have set an enviable example for posterity to follow:

NOW, THEREFORE, BE IT RESOLVED, that the Alabama House of Representatives does hereby acknowledge the sublime example set by Mr. and Mrs. Cecil Halsey over the last one-fourth century; and

BE IT FURTHER RESOLVED, that the State of Alabama does on this occasion take time to gratefully thank Mr. and Mrs. Cecil Halsey for all their enduring efforts to make this world a better place to live; and

BE IT EVEN FURTHER RESOLVED, that the date of the consummation of their marriage be hereafter and forevermore celebrated as Mr. and Mrs. Cecil Halsey Memorial Day. Also be it resolved, that a copy of this resolution be sent to Mr. and Mrs. Cecil Halsey.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 395, on the Clerk's desk for one legislative day.

Also:

By Mr. McNees:

H. J. R. 396. MOURNING THE DEATH OF LOUIS RODGES.

WHEREAS, the Alabama Legislature was deeply saddened to learn of the death of Mr. Louis Hodges, Fayette, Alabama, on March 13, 1977, at the age of 75; and

WHEREAS, Mr. Hodges had been a resident of Fayette for 64 years, since his arrival in July, 1913, from Czarist Russia; and

WHEREAS, much of the credit for the exploration and drilling of Fayette's gas wells is due Louis Hodges whose gas prophecies of 50 years ago were based on his unflinching belief that Fayette County would be a potentially significant producer of natural gas; this strong belief led him, not only to spend many years drilling on his own, but also to encourage and assist many companies in securing land leases for this valuable resource; and

WHEREAS, Mr. Hodges, who was owner of Hodges Department Store from 1911 until its recent closing, was a Mason, a Shriner, a member of the Scottish Rite and of The Temple Emanuel of Tuscaloosa; and

**REGULAR SESSION**  
**14th Day**

871

WHEREAS, his life reflected the rare and admirable qualities of foresight, perseverance and capacity for leadership; he was a highly respected businessman who will be sadly missed and remembered with deep affection by all those who knew him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply mourn the death of Louis Hodges and extend our sympathy to his brothers, Aaron Hodges of Tuscaloosa and Isadore Hodges of St. Petersburg, Florida, and other family members to whom copies of this resolution shall be sent.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 396, on the Clerk's desk for one legislative day.

Also:

By Mr. Sparks:

**H. R. 397. COMMENDING WEST ELEMENTARY SCHOOL.**

WHEREAS, the Alabama Legislature has noted that West Elementary School, Cullman, Alabama, has participated in the Freedom's Foundation Award Program for the past ten years; and

WHEREAS, for six consecutive years, 1969-1974, West Elementary won the top school award, The George Washington Honor Medal, and the George Washington Honor Certificate, second place award, each of the other four years of participation; and

WHEREAS, much of the credit for this outstanding record goes to the parents, students, teachers and administrators of the school; now therefore,

BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That we most highly commend West Elementary School of Cullman, Alabama, for remarkable achievement during ten years of participation in the Freedom's Foundation Award Program, and direct that a copy of this resolution be sent to the principal, Mr. Raymond Clarke, on behalf of the entire school.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 397, on the Clerk's desk for one legislative day.

Also:

By Mr. Sparks:

**H. J. R. 398. NOTING THE 16th ANNUAL WINSTON COUNTY "CHITTLIN" SUPPER.**

WHEREAS, the Alabama Legislature notes with interest that the 16th annual Winston County "Chittlin" Supper was held March 18, 1977, at the Meek High School gymnasium in Arley, Alabama, with all proceeds used, as always, for worthy charitable purposes; and

WHEREAS, this event, the biggest fete of its kind in North Alabama, was tremendously successful with more than 1,200 "chittlin" lovers served during the evening; 900 pounds of chitterlings were prepared for the supper, 150 pounds of chicken for those who did not care for the other Southern delicacy, also cracklin' cornbread, buttermilk and onions; and

WHEREAS, in addition to the finest fare this side of the Land of Milk and Honey, door prizes were awarded, musical entertainment provided, and a buck dancing contest and one for the hog callers were held; and

WHEREAS, further, this body recognizes that events such as this serve not only to provide wholesome family entertainment for hundreds of Alabama citizens, but also the useful and commendable purpose of helping to preserve and promote the customs, music and singular foods native to our state and area; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we note with interest and delight news of the 16th annual Winston County "Chittlin" Supper, and also commend the many civic-minded citizens of Winston County who devoted untold hours of work and preparation to make this annual event the tremendous success it was.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 398, on the Clerk's desk for one legislative day.

Also:

By Mr. Smith (M):

H. R. 399. COMMENDING MR. & MRS. ROY G. EARLEY.

WHEREAS, Mr. and Mrs. Roy G. Earley were legally joined together in holy matrimony; and

WHEREAS, they have remained in said holy state for over one-half century; and

WHEREAS, they have honored their marriage vows of so long ago and kept each other in sickness and in health; and

WHEREAS, they have loved and honored each other above all other people and defended each other against all things injurious; and

WHEREAS, they have been exemplary citizens of this County and have set an enviable example for posterity to follow:

NOW, THEREFORE, BE IT RESOLVED, that the Alabama House of Representatives does hereby acknowledge the sublime example set by Mr. and Roy G. Earley over the last one-half century; and

BE IT FURTHER RESOLVED, that the State of Alabama does on this occasion take time to gratefully thank Mr. and Mrs. Roy G. Earley for all their enduring efforts to make this world a better place to live; and

BE IT EVEN FURTHER RESOLVED, that the date of the consummation of their marriage be hereafter and forevermore celebrated as Mr. and Mrs. Roy G. Earley Memorial Day. Also be it resolved, that a copy of this resolution be sent to Mr. and Mrs. Roy G. Earley.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 399, on the Clerk's desk for one legislative day.

Also:

By Mr. Smith (M):

H. R. 400. COMMENDING MR. & MRS. H. E. LOVVORN.

WHEREAS, Mr. and Mrs. H. E. Lovvorn were legally joined together in holy matrimony; and

WHEREAS, they have remained in said holy state for over one-half century; and

WHEREAS, they have honored their marriage vows of so long ago and kept each other in sickness and in health; and

WHEREAS, they have loved and honored each other above all other people and defended each other against all things injurious; and

WHEREAS, they have been exemplary citizens of this County and have set an enviable example for posterity to follow:

NOW, THEREFORE, BE IT RESOLVED, that the Alabama House of Representatives does hereby acknowledge the sublime example set by Mr. and Mrs. H. E. Lovvorn over the last one-half century; and

BE IT FURTHER RESOLVED, that the State of Alabama does on this occasion take time to gratefully thank Mr. and Mrs. H. E. Lovvorn for all their enduring efforts to make this world a better place to live; and

BE IT EVEN FURTHER RESOLVED, that the date of the consummation of their marriage be hereafter and forevermore celebrated as Mr. and Mrs. H. E. Lovvorn Memorial Day. Also be it resolved, that a copy of this resolution be sent to Mr. and Mrs. H. E. Lovvorn.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 400, on the Clerk's desk for one legislative day.

Also:

By Messrs. Killian, Cross and Roberts:

H. J. R. 401. CONGRATULATING REPRESENTATIVE AND MRS. TOM DRAKE ON A NEW ADDITION TO THEIR FINE FAMILY.

WHEREAS, the Alabama Legislature notes that the Tom Drake family of Cullman, Alabama, already blessed with three fine and accomplished children, Thomas E. Drake, II, George W. Drake and lovely daughter Mary, are now the proud parents of a second daughter, Christy Lee, born March 14, 1977; and

WHEREAS, aware as we are that Representative Drake is a most distinguished member of this body, presently serving as Chairman of the important Rules Committee, and a member of the Alabama and Cullman Bar Associations who also enjoys a statewide reputation as an outstanding professional wrestler, we are especially pleased to know that, from all reports, little Christy Lee fortunately has inherited her physical characteristics, loveliness and charm from her mother, Chris; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we enthusiastically congratulate our esteemed colleague Tom Drake and his wife Chris on their enviable family, and direct that copies of this resolution be sent to them and to each of their four fine children.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 401, on the Clerk's desk for one legislative day.

## SPECIAL ORDER

The House then proceeded with the consideration of the Special Order Calendar.

And the bill:

H. 912. To further amend the Title and Section 1 of Act No. 1740, H. 2581, Regular Session 1971 (Acts 1971, p. 2906), as amended, relating to expense allowances for certain officials in counties having a population of not less than 36,500 nor more than 39,200, so as to change the words "judges of county inferior courts" to the word "magistrate"; to make such allowances mandatory; and to give this act retroactive effect.

Which was temporarily postponed on the thirteenth legislative day, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

## Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carter, Clark, Crawford, Dial, Drake, Edwards, Falkenburg, Ford, Glass, Goodwin, Greer, Hall, Harris, Hilliard, Holley, Holmes (D), Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lewis, Lockett, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (C), Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, Wyatt and Younce.

—63

## RESOLUTION

The following resolution was introduced:

By Messrs. Boles, Tucker, McNair, Waggoner, Biddle, Jolly, Hall, Porter, Andrews, Falkenburg, White, Gafford, Moore (O), Trammell, Hilliard, Howard, Leonard, Armstrong, Harrison and Jackson (R):

## H. J. R. 402. COMMENDING THE PITTMAN JUNIOR HIGH SCHOOL FOOTBALL TEAM.

WHEREAS, Pittman Junior High School, Hueytown, Alabama, won the Jefferson County Junior High School Large League Football Championship; and

WHEREAS, this team had an enviable 8-0 record for the season, amassing a total of 255 points while ceding only 48 points to their opponents; and

WHEREAS, the spirit of this outstanding team, so ably coached by Head Coach Cecil Duke and assistants, John McCarver and Michael Boyd, reflects the loyal support of their fellow students, faculty, parents and other fine citizens of their community; and

WHEREAS, all members of the team worked together, as one, with diligent and dedicated practice to achieve this goal: now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do commend, highly praise and heartily congratulate the Pittman Junior High School football team on winning their county's Large League Championship.



**REGULAR SESSION**  
**14th Day**

875

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal, Mr. Richard Farrar, on behalf of the school, and to Coach Cecil Duke for his team.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 402, on the Clerk's desk for one legislative day.

**SPECIAL ORDER RESUMED**

And the bill:

H. 539. Relating to Winston County; providing for a county supplement for the district judge, and making the supplement retroactive to January 16, 1977.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Brindley, Buskey, Campbell, Carter, Clark, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hilliard, Hines, Holley, Holmes (D), Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lewis, Lockett, McCluskey, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Trammell, Venable, Warren, Weeks, Whatley and Wyatt.

—61

And the bill:

H. 540. Relating to Winston County; providing that the district judge in such county may employ a secretary and establishing her salary; providing that such salary shall be paid from the county funds and shall be retroactive to January 16, 1977.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Brindley, Buskey, Callahan, Campbell, Carter, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Glass, Goodwin, Greer, Hall, Harris, Hilliard, Hines, Holley, Holmes (D), Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lewis, Lockett, McCluskey, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Roberts, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, Wyatt and Younce.

—62

And the bill:

H. 944. To provide further for the selection of textbooks and instructional materials for use in the public schools in any county having a population of not less than 10,660 nor more than 10,900 according to the 1970 or any subsequent federal decennial census.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 61; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Boles, Brindley, Buskey, Campbell, Carter, Clark, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hilliard, Hines, Holmes (D), Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lewis, Lockett, McCluskey, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Sonnier, Starkey, Trammell, Venable, Weeks, Whatley and Wyatt.

—61

And the bill:

H. 946. Relating to counties having populations of not less than 10,660 nor more than 10,900, according to the 1970 or any subsequent federal decennial census; allowing the county governing bodies of such counties to prepare certain building sites and to build and maintain access roads provided any such access road joins a county or state road or highway.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 65; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Brindley, Buskey, Campbell, Carter, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hilliard, Hines, Holley, Holmes (D), Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lewis, Lockett, McCluskey, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Trammell, Venable, Weeks, Whatley, White, Williams and Wyatt.

—65

And the bill:

H. 972. Relating to the office of supernumerary sheriff in any county having a population of not less than 24,900 nor more than 25,150 according to the 1970 or any subsequent federal decennial census; repealing Act No. 184, S. 89, 1975 Third Special Session (Acts of 1975, p. 457).

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 77; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Boles, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Glass, Goodwin, Greer, Hall, Harris, Hilliard, Hines, Holley, Holmes (D), Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Lewis, Lockett, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore

REGULAR SESSION  
14th Day

877

(O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Trammell, Venable, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—77

And the bill:

H. 973. Relating to the office of supernumerary county commissioner in any county having a population of not less than 24,900 nor more than 25,150 according to the 1970 or any subsequent federal decennial census, to repeal Act No. 443, S. 529, 1973 Regular Session (Acts of 1973, p. 634); Act No. 451, S. 659, 1973 Regular Session (Acts of 1973, p. 638); Act No. 30, H. 13, 1975 First Special Session (Acts of 1975, p. 80) and Act No. 375, H. 972, 1975 Regular Session (Acts of 1975, p. 925).

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Boles, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Glass, Goodwin, Greer, Hall, Harris, Hilliard, Hines, Holley, Holmes (D), Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Lewis, Lockett, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Trammell, Venable, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—77

And the bill:

H. 977. To regulate further the payment of expense allowances to the members of the Coffee County Commission; and to give this act retroactive effect.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Boles, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Glass, Goodwin, Greer, Hall, Harris, Hilliard, Hines, Holley, Holmes (D), Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Lewis, Lockett, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Trammell, Venable, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—77

And the bill:

H. 985. To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama; providing for the repeal of all laws or parts of laws in conflict herewith; and prescribing the time when this act shall become effective.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 77; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Boles, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Glass, Goodwin, Greer, Hall, Harris, Hilliard, Hines, Holley, Holmes (D), Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Lewis, Lockett, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Trammell, Venable, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—77

And the bill:

S. 161. To regulate the expense allowances in the Twenty-Fifth Judicial Circuit for circuit judges and the district attorney; and to make the provisions of this Act retroactive to January 16, 1977.

Was read a third time at length and passed.

Yeas 77; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Boles, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Glass, Goodwin, Greer, Hall, Harris, Hilliard, Hines, Holley, Holmes (D), Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Lewis, Lockett, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Trammell, Venable, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—77

And the bill:

H. 938. Relating to any county having a population of not less than 16,600 nor more than 16,950 according to the 1970 or any subsequent federal decennial census; providing an expense allowance for the sheriff in any such county.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 77; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Boles, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Glass, Goodwin, Greer, Hall, Harris, Hilliard, Hines, Holley, Holmes (D), Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Lewis, Lockett, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter,

Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Trammell, Venable, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—77

And the bill:

H. 976. (With Amendments): Relating to Coffee County; to further implement Section 9 of Act No. 160, 1971, and provide the Coffee County Commission the authority to employ appraisers, mappers, and clerical personnel to maintain current evaluation of all real property and valuation of personal property.

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 976 on page 1, line 14 after the word employ insert the following words: or contract

And the amendment was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Boles, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Glass, Goodwin, Greer, Hall, Harris, Hilliard, Hines, Holley, Holmes (D), Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Lewis, Lockett, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Trammell, Venable, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—77

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 976 on page 1, Section 1, line 19 by striking the word employ and insert in lieu thereof the following: provide either by contract or full-time or part-time employment

And the amendment was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Boles, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Glass, Goodwin, Greer, Hall, Harris, Hilliard, Hines, Holley, Holmes (D), Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Lewis, Lockett, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Trammell, Venable, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—77

## UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Gregg voting "Yea" on all local bills.

And the bill:

H. 976. Relating to Coffee County; to further implement Section 9 of Act No. 160, 1971, and provide the Coffee County Commission the authority to employ or contract appraisers, mappers, and clerical personnel to maintain current evaluation of all real property and valuation of personal property.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Boles, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Glass, Goodwin, Greer, Hall, Harris, Hilliard, Hines, Holley, Holmes (D), Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Lewis, Lockett, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Trammell, Venable, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—77

The House then proceeded with the consideration of the bills listed on the Special Order.

And the bill:

H. 3. To prohibit the abuse, neglect or exploitation of aged or disabled adults; to provide protective services for such persons; to require mandatory reporting by physicians and others of abuse, neglect or exploitation of such persons; to exempt persons reporting such abuse, neglect or exploitation from civil or criminal liability in connection with such reporting; to prescribe penalties for the abuse, neglect or exploitation of aged or disabled adults; and to provide penalties for failure of physicians and other practitioners of the healing arts to report such abuse, neglect or exploitation.

Was taken up.

## AMENDMENT OFFERED

Mr. Johnstone offered the following amendment to the bill, H. 3:

Amend H. B. 3 by deleting Section 8 on lines 33 through 36, page 6, in its entirety and by renumbering the succeeding sections.

## AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 78; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carter, Clark, Coburn, Crawford,

REGULAR SESSION  
14th Day

881

Crowe, Dial, Edwards, Falkenburg, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hines, Holley, Holmes (D), Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNair, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Warren, Weeks, Whatley, Williams, Wyatt and Younce.

—78

And the bill, H. 3 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (D), Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McMillan, McNair, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—90

And the bill:

H. 72. (With Substitute): To make child abuse a criminal offense in Alabama; to define the offense of child abuse; and to prescribe the penalty to be imposed on any person found guilty of such offense.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To make child abuse a criminal offense in Alabama; to define the offense of child abuse; and to prescribe the penalty to be imposed on any person found guilty of such offense.

Be It Enacted by the Legislature of Alabama:

Section 1. Short Title. This Act shall be known and may be cited as The Alabama Child Abuse Act.

Section 2. Definition. For the purposes of this Act, wherever used, "Responsible Person" means a child's natural parent, step parent, adoptive parent, legal guardian, custodian, or any other person who has the permanent or temporary care or custody or responsibility for the supervision of a child.

Section 3. General Provision. A "Responsible Person" as defined above, who shall torture, wilfully abuse, cruelly beat, or otherwise wilfully maltreat any child under the age of eighteen years of age, shall on conviction be punished by imprisonment in the penitentiary for not less than one year nor more than ten years.

Section 4. Repealer. Act No. 2422, H. 110 of the 1971 Regular Session (Acts of 1971, p. 3855) is expressly repealed; and all other laws or parts of laws which conflict with this act are hereby also repealed.

Section 5. Saving Section. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this act takes effect, are hereby saved and may be consummated according to the law in force when they were commenced. This act shall not be construed to affect any prosecution pending or begun before the effective date of this act.

Section 6. Severability. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.

Section 7. Effective Date. This act shall take effect upon its passage and approval thereof by the Governor, or upon its otherwise becoming law as provided in Article 5, Section 125 of the Constitution of Alabama of 1901.

And the substitute was adopted.

Yeas 87; Nays 1.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Leonard, Lockett, McCluskey, McMillan, McNair, McNeas, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—87

Nay: Mr. Lee.

—1

And the bill, H. 72 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 2.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Lockett, McCluskey, McCulley, McMillan, McNair, McNeas, Manley, Martin, Merrill, Mitchem, Moore



REGULAR SESSION  
14th Day

883

(O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—91

*Nays:* Messrs.: Harrison and Leonard.

—2

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 72:

Messrs. Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hines, Holley, Holmes (D), Howard, Johnstone, Kelley, Kennedy, Kinsey, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sasser, Shoemaker, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

MOTION TO ADJOURN LOST

The motion offered by Mr. Armstrong that the House adjourn until 2:00 o'clock p.m., Tuesday, March 29, 1977, was lost.

Yeas 9; Nays 78.

*Yeas:*

Messrs.: Armstrong, Buskey, Clark, Crawford, Hilliard, Johnson, Manley, Moore (W), and White

—7

*Nays:*

Mr. Speaker, Albright, Andrews, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carter, Cates, Coburn, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Holley, Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Leonard, Lockett, McCluskey, McCulley, McMillan, McNair, McNees, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Trammell, Tucker, Venable, Warren, Weeks, Whatley, Williams, Wyatt and Younce.

—78

SPECIAL ORDER RESUMED

And the bill:

H. 347. To further amend Code of Alabama 1940, Title 48, Section 52, as amended by Act No. 97 of the 1971 Special Session of the Legislature of Alabama approved May 11, 1971 (1971 General Acts, V. 1, pages 171-172) so as to define the reasonable value of a public utility's property to be used as a rate base in fixing utility rates; to eliminate therefrom the amount of new investment to be added in the year immediately following the test period used in arriving at the value of such utility's property; to provide that determination of the rate base shall be calculated on the basis of average values of the property components of the

rate base during the most recent 12 month period available; to exclude from the rate base, or in the alternative to require a zero return, on any part thereof arising from or provided by funds available to the utility without cost to it, unless effectively required to be allowed by an act of Congress; to exclude from the rate base any lands acquired after the effective date of this Act by any utility for a use which will require a certificate of convenience and necessity until and unless such certificate of convenience and necessity is issued by the Alabama Public Service Commission; to repeal conflicting laws and to fix the effective date of this Act.

Was taken up.

#### AMENDMENT OFFERED

Mr. Waggoner offered the following amendment No. 1 to the bill, H. 347:

Amend House Bill 347 by deleting the first sentence on page 2 lines 1 and 2 and substituting in lieu thereof the following:

"Such reasonable value and the utility's operating results shall be determined as of the end of a twelve-month period ending on the latest date to which the new rates may be suspended pursuant to Title 48, Section 54, Code of Alabama 1940, as amended. This twelve-month period shall be the test period."

#### AMENDMENT TABLED

On motion of Mr. Rich, the amendment No. 1 offered by Mr. Waggoner to the bill, H. 347, was tabled.

Yeas 76; Nays 13.

#### Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Ford, Glass, Goodwin, Greer, Harrison, Hilliard, Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sasser, Shelton, Shoemaker, Smith (C), Smith (M), Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Warren, Weeks, Williams, Wyatt and Younce.

—76

#### Nays:

Messrs.: Armstrong, Clark, Falkenburg, Gafford, Harris, Holley, Johnson, Riddick, Smith (B), Sonnier, Waggoner, Whatley and White.

—13

#### AMENDMENT OFFERED

Mr. Waggoner offered the following amendment No. 2 to the bill, H. 347:

Amend House Bill 347 by changing the period at the end of Section 4 on page 3 to a semi-colon and adding the following proviso thereto:

"provided, however, that the provisions of this Section 52 as hereby amended shall not be applied with respect to any rate proceeding pending in the Alabama Public Service Commission or any court at the effective date hereof."

AMENDMENT TABLED

On motion of Mr. Rich, the amendment No. 2 offered by Mr. Waggoner to the bill, H. 347, was tabled.

Yeas 79; Nays 7.

*Yeas:*

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Ford, Glass, Goodwin, Greer, Hall, Harrison, Hill, Hilliard, Holley, Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Leonard, Lewis, Lockett, McCulley, McNair, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Warren, Whatley, Williams and Wyatt.

—79

*Nays:*

Messrs.: Armstrong, Clark, Falkenburg, Gafford, Johnson, Waggoner and White.

—7

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 246. MOURNING THE DEATH OF JOSEPH THOMAS PRIESTER, SR.

Also:

S. J. R. 260. MOURNING THE DEATH OF WAYNE M. LOWE.

Also:

S. J. R. 261. MOURNING THE DEATH OF MELVIN CAMP KILPATRICK.

Also:

S. J. R. 262. MOURNING THE DEATH OF ERVIN A. PHILLIPS.

Also:

S. J. R. 263. HONORING MACK GARRETT FOR OUTSTANDING SERVICE IN THE FIELD OF LAW ENFORCEMENT.

Also:

S. J. R. 264. Commending Joseph Faulkner, Community Service Award Recipient.

Also:

S. J. R. 265. COMMENDING THE WESTMINSTER CHRISTIAN HIGH SCHOOL BASKETBALL TEAM FOR THEIR CHAMPIONSHIP VICTORY.

Also:

S. J. R. 268. CONGRATULATING AND COMMENDING THE ANDALUSIA HIGH SCHOOL FOOTBALL TEAM.

Also:

S. J. R. 270. COMMENDING JEREMY MILLS FOR HEROISM.

McDOWELL LEE,  
Secretary.

#### SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 272. MOURNING THE DEATH OF JOHN LESLIE DOSS, SR.

Also:

S. J. R. 275. CONGRATULATING CAPTAIN JOHN G. HENDERSON.

Also:

S. J. R. 277. HONORING MRS. MARY JULIE ANDERSON FOR HER OUTSTANDING CONTRIBUTIONS IN CRIME PREVENTION.

Also:

S. J. R. 287. URGING PRESIDENT CARTER TO CONTINUE THE TENNESSEE-TOMBIGBEE WATERWAY DEVELOPMENT PROJECT.

Also:

S. J. R. 288. DESIGNATING APRIL 6, 1977, AS LIBRARY DAY.

Also:

S. J. R. 289. RECOGNIZING THE ACCOMPLISHMENTS AND CONTRIBUTIONS OF THE EFFICIENT AND INDISPENSABLE SECRETARIES DURING "SECRETARIES' WEEK" IN APRIL.

Also:

S. J. R. 290. MOURNING THE DEATH OF WILLIAM R. J. DUNN, JR.

McDOWELL LEE,  
Secretary.

#### SIGNING THE SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a

quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

RESOLUTION

The following resolution was introduced:

By Messrs. Callahan, Younce, Cooper, Johnstone, Glass, Sandusky, Sonnier, Kennedy, Buskey, McMillan and McCulley:

H. R. 403. Commending Mr. James Boyd for his meritorious service to the Mobile County House Delegation.

WHEREAS, Mr. James Boyd has completed his period of internship with the Mobile County House Delegation; and

WHEREAS, Mr. James Boyd has done yeoman service for the delegation; and

WHEREAS, Mr. James Boyd has impressed all members of the Mobile County Delegation with his knowledge, hard work and high spirits; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That Mr. James Boyd be congratulated for his fine work with the legislature and be wished every success in the future.

On motion of Mr. Sandusky, the rules were suspended and the resolution, H. R. 403, was adopted.

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 347:

Messrs. Albright, Andrews, Baker, Boles, Campbell, Carter, Cates, Cooper, Crawford, Dial, Ford, Glass, Holley, Holmes (D), Howard, Jackson (F), Johnstone, Kennedy, Lewis, Lockett, McNees, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Quarles, Shelton, Shoemaker, Smith (M), Sonnier, Sparks, Taylor, Trammell, Tucker, Warren, Williams, Wyatt and Younce.

H. 347 RESUMED

And the bill, H. 347, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 94; Nays 2.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams, Wyatt and Younce.

—94

Nays: Messrs.: Armstrong and White.

—2

## MOTION TO ADJOURN LOST

The motion offered by Mr. Armstrong that the House adjourn until 2:00 o'clock p.m., Tuesday, March 29, 1977, was lost.

Yeas 8; Nays 90.

*Yeas:*

Messrs.: Armstrong, Biddle, Buskey, Ford, Howard, Johnson, Moore (W), and Whatley.

*Nays:*

Mr. Speaker, Andrews, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Gafford, Greer, Gregg, Hall, Harris, Hill, Hilliard, Holley, Holmes (D), Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams, Wyatt and Younce.

—80

## RESOLUTION

The following resolution was introduced:

By Messrs. Gafford, Biddle, Waggoner and Moore (O):

H. J. R. 404. MEMORIALIZING PRESIDENT CARTER TO GRANT LT. WILLIAM CALLEY A PRESIDENTIAL PARDON.

WHEREAS, the President of the United States has seen fit to grant a blanket pardon to draft dodgers of the Viet Nam war, allowing them to return to the country they refused to serve and begin their lives anew with no retribution for the traitorous crime of draft evasion; and

WHEREAS, many of them not only did not serve, but generated world-wide publicity by speaking out against our country's foreign policy, thereby giving support to the causes of the enemy of the United States; and

WHEREAS, full and complete pardons within recent years seem to have run rampant, and have run the gamut from President Nixon to Tokyo Rose, while others have suffered sufficiently to cast grave doubts upon our guarantee of equal justice under the law; and

WHEREAS, Lt. William Calley is such a man, one who served his country, in combat, in Viet Nam yet was convicted, humiliated and his reputation and career destroyed for carrying out orders that many believe and assert were given him by superiors who, themselves, were exonerated of any wrongdoing; and

WHEREAS, he is currently released on parole after having spent more than six years of a sentence widely considered unjust and unwarranted; a grave miscarriage of justice in the minds of many loyal Americans who elected to serve rather than run; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, believing it is time to forgive

and forget impartially, we memorialize President Carter to give immediate and soul-searching consideration, and take appropriate action, in granting a full, complete and absolute pardon to Lt. William Calley.

BE IT FURTHER RESOLVED, That the Clerk of the House is hereby directed to send copies of this resolution to President Carter and each member of the Alabama Congressional Delegation in Washington, D. C.

MOTION TO SUSPEND RULES AND ADOPT

Mr. Biddle offered the motion to suspend the rules and adopt the resolution, H. J. R. 404.

DIVISION OF THE QUESTION

Mr. Campbell called for the Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The Question was then on the motion offered by Mr. Biddle to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 404, and the motion was lost, lacking a four-fifths vote.

Yeas 52; Nays 28.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Carter, Clark, Coburn, Cooper, Crowe, Drake, Edwards, Falkenburg, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Holley, Holmes (D), Jackson (F), Jolly, Kinsey, McCulley, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Plaster, Rich, Robertson, Sandusky, Sasser, Shelton, Smith (C), Starkey, Trammell, Turnham, Waggoner, Warren, Weeks, Whatley, White and Younce.

—52

*Nays:*

Messrs.: Barron, Campbell, Cates, Crawford, Cross, Ford, Hall, Harrison, Hill, Hilliard, Howard, Johnson, Johnstone, Kennedy, Killian, Leonard, Lewis, Lockett, Mitchem, Morris, Pegues, Porter, Quarles, Riddick, Roberts, Smith (B), Taylor and Tucker.

—28

The resolution, H. J. R. 404, was read and referred to the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

H. 358. To provide the procedure and conditions under which any utility or telephone company regulated by the Alabama Public Service Commission may increase or decrease any customer's billing for intrastate utility or telephone service by reason of the application of any fuel or tax rate, clause or rider on and after the effective date of this Act.

Was taken up.

AMENDMENT OFFERED

Mr. McCluskey offered the following amendment to the bill, H. 358:

1. On line 25 on page 2, in Section 2, after the word "agency," add the words: "or the Alabama Public Service Commission."

2. On line 26 on page 2, in Section 2, after the word "agency," add the words: "or the Alabama Public Service Commission."

#### AMENDMENT TABLED

On motion of Mr. Drake, the amendment offered by Mr. McCluskey to the bill, H. 358, was tabled.

Yeas 61; Nays 23.

#### Yeas:

Mr. Speaker, Andrews, Baker, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Falkenburg, Ford, Gafford, Glass, Goodwin, Harrison, Hill, Holmes (D), Jackson (F), Kennedy, Killian, Kinsey, Lewis, Lockett, McCulley, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shoemaker, Smith (C), Sparks, Trammell, Tucker, Turnham, Venable, Warren, Weeks, Williams and Wyatt.

—61

#### Nays:

Messrs.: Armstrong, Barron, Clark, Dial, Edwards, Greer, Gregg, Harris, Hilliard, Holley, Johnson, Johnstone, Jolly, Lee, Leonard, McMillan, McNees, Morris, Shelton, Sonnier, Waggoner, Whatley and White.

—23

And the bill, H. 358, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 95; Nays 0.

#### Yeas:

Mr. Speaker, Andrews, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams, Wyatt and Younce.

—95

#### CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 358:

Messrs. Baker, Brindley Buskey, Campbell, Cates, Cooper, Crawford, Cross, Dial, Ford, Glass, Gregg, Holley, Holmes (D), Howard, Jackson (F), Johnstone, Kennedy, McNees, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Quarles, Reed, Rich, Sasser, Shelton, Shoemaker, Sparks, Trammell, Tucker, Warren, Williams and Wyatt.

And the bill:

H. 359. To require refunds or repayment to customers by the af-



**REGULAR SESSION**  
**14th Day**

891

fect utility or telephone company of any utility or telephone rates or charges judicially held to be excessive.

Was taken up.

**AMENDMENT OFFERED**

Mr. White offered the following amendment to the bill, H. 359:

Amend House Bill 359 by changing the period at the end of Section 3 to a semi-colon and adding the following thereto:

"provided, however, that the provisions of this act shall not be applied with respect to any rate proceeding pending in the Alabama Public Service Commission or any court at the effective date hereof."

**AMENDMENT TABLED**

On motion of Mr. Drake, the amendment offered by Mr. White to the bill, H. 359, was tabled.

Yeas 79; Nays 11.

**Yeas:**

Mr. Speaker, Andrews, Baker, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harrison, Hill, Hilliard, Holley, Holmes (D), Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, McCluskey, McCulley, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (C), Smith (J), Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Warren, Weeks, Williams, Wyatt and Younce.

—79

**Nays:**

Messrs.: Armstrong, Biddle, Clark, Falkenburg, Gafford, Harris, Johnson, Smith (B), Waggoner, Whatley and White.

—11

And the bill, H. 359, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 93; Nays 2.

**Yeas:**

Mr. Speaker, Andrews, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Holley, Holmes (D), Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams, Wyatt and Younce.

—93

**Nays:** Messrs.: Armstrong and White.

—2

## UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Gregg and Quarles added as co-sponsors to the bill, H. 359.

And the bill:

H. 381. To place certain restrictions on the charging of late fees by utility companies.

Was taken up.

## AMENDMENT OFFERED

Mr. Gregg offered the following amendment to the bill, H. 381:

Amend H. B. 381 by changing \$2.00 as stated on line 19 to read \$5.00.

## SUBSTITUTE OFFERED

Mr. Hill offered the following substitute to the amendment offered by Mr. Gregg to the bill, H. 381:

Amend H. B. 381 on lines 18 and 19 by striking the words "but in no event shall such late fee exceed \$2.00."

## SUBSTITUTE ADOPTED

The substitute offered by Mr. Hill to the amendment offered by Mr. Gregg to the bill, H. 381, was adopted.

Yeas 60; Nays 7.

## Yeas:

Messrs.: Albright, Andrews, Baker, Biddle, Brindley, Callahan, Carothers, Carter, Coburn, Cooper, Crawford, Cross, Crowe, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Holley, Holmes (D), Howard, Jackson (F), Johnson, Johnstone, Jolly, Kennedy, Kinsey, Leonard, Lewis, McCulley, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Porter, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Taylor, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, White, Williams, Wyatt and Younce.

—60

## Nays:

Messrs.: Armstrong, Barron, Boles, Glass, McCluskey, Smith (M), and Turnham.

—7

## AMENDMENT OFFERED

Mr. Venable offered the following amendment to the bill, H. 381 as amended:

On line 18 strike the words "five percent (5%)" and insert instead "one and one-half percent (1½%)".

## AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 75; Nays 5.

## Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carter, Clark, Coburn, Cooper, Crawford,

**REGULAR SESSION**  
**14th Day**

893

Cross, Crowe, Dial, Drake, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Hill, Hilliard, Holley, Holmes (D), Jackson (F), Johnstone, Jolly, Kennedy, Lee, Lewis, Lockett, McCulley, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Reed, Rich, Riddick, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (M), Sparks, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams, Wyatt and Younce.

—75

*Nays:* Messrs.: Armstrong, Johnson, Killian, McCluskey and Roberts.

—5

**AMENDMENT OFFERED**

Mr. Sonnier offered the following amendment to the bill, H. 381 as amended:

Amend H. 381 by adding a new section between lines 21 and 22 between the sections presently numbered 1 and 2 as follows:

“2. Each utility shall grant a two percent discount on every utility bill paid within ten days of the date of billing, said discount to be credited against the next billing”

Further amend the bill by renumbering the succeeding sections.

Further amend the bill by adding at the end of the title the following:

“and to require a two percent discount on bills paid within ten days”

**AMENDMENT TABLED**

On motion of Mr. Biddle, the amendment offered by Mr. Sonnier to the bill, H. 381 as amended, was tabled.

Yeas 75; Nays 4.

*Yeas:*

Mr. Speaker, Albright, Andrews, Baker, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carter, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Falkenburg, Gafford, Goodwin, Greer, Hall, Harrison, Hill, Hilliard, Holley, Holmes (D), Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Leonard, Lewis, Lockett, McCluskey, McCulley, McNair, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (M), Sparks, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Younce.

—75

*Nays:* Messrs.: Armstrong, Glass, Gregg and Kinsey.

—4

And the bill, H. 381 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 92; Nays 4.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falken-

burg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Lee, Leonard, Lewis, Lockett, McCulley, McMillan, McNair, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—92

Nays: Messrs.: Killian, Kinsey, McCluskey and Starkey.

—4

#### CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 381:

Messrs. Albright, Carter, Cooper, Crawford, Crowe, Falkenburg, Glass, Greer, Gregg, Hall, Hill, Holley, Holmes (D), Howard, Jackson (F), Johnstone, Kennedy, Lee, McNair, Merrill, Mitchem, Morris, Naramore, Owens, Porter, Riddick, Robertson, Sasser, Shelton, Smith (M), Sparks, Tucker, Warren, Whatley, Williams, Wyatt and Younce.

And the bill:

H. 394. (With Substitute): To amend Code of Alabama 1940, Title 48, Section 82, providing for judicial review of proceedings on appeal from orders of the Alabama Public Service Commission.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

#### A BILL TO BE ENTITLED AN ACT

To amend Code of Alabama 1940, Title 48, Section 82, providing for judicial review of proceedings on appeal from orders of the Alabama Public Service Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 48, Section 82, is amended to read as follows:

"Section 82. The Commission's Order shall be taken as prima facie just and reasonable. No new or additional evidence may be introduced in the circuit court on appeal except as to arbitrary action, fraud or misconduct of some person engaged in the administration of this title and affecting the order, ruling or award appealed from, but the court shall otherwise hear the case upon the certified record and shall set aside the order if the court finds that: the Commission erred to the prejudice of appellant's substantial rights in its application of the law; or, the order, decision or award was procured by fraud or was based upon a finding of facts contrary to the substantial weight of the evidence; or that the order was arbitrary, capricious or inconsistent with respect to any of the issues involved; or that the Commission has failed, in its order, to find sufficient facts, as to each issue involved, to enable the reviewing court to determine the basis for the conclusion of the Commission. Provided, however, the court may, instead of setting aside the order, remand the

case to the Commission for further proceedings in conformity with the direction of the court. The court may, in advance of judgment and upon a sufficient showing, remand the cause to the Commission for the purpose of taking additional testimony or other proceedings. ; but in no event shall any testimony be received, on remand, relating to a period beyond the test period used by the Commission in its order."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid, such declaration shall not affect the part which remains.

Section 3. This Act shall take effect immediately upon its passage and approval by the Governor, or by its otherwise becoming a law.

And the substitute was adopted.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—88

#### AMENDMENT OFFERED

Mr. Clark offered the following amendment to the bill, H. 394 as amended.

Amend committee substitute for HB-394 by inserting the word "material" after the word "each" and before the word "issue" on page 2, line 6.

#### AMENDMENT TABLED

On motion of Mr. Morris, the amendment offered by Mr. Clark to the bill, H. 394 as amended, was tabled.

Yeas 44; Nays 39.

Yeas:

Messrs.: Andrews, Baker, Buskey, Callahan, Campbell, Carter, Cooper, Crawford, Cross, Dial, Ford, Glass, Harrison, Hilliard, Hines, Holmes (D), Kennedy, Killian, Kinsey, Leonard, Lockett, McCulley, McMillan, Manley, Moore (O), Moore (W), Morris, Pegues, Plaster, Rich, Roberts, Robertson, Sandusky, Sasser, Shoemaker, Smith (C), Starkey, Trammell, Tucker, Venable, Warren, Weeks, Williams and Younce.

—44

Nays:

Mr. Speaker, Armstrong, Barron, Biddle, Brindley, Cates, Clark, Coburn, Crowe, Drake, Falkenburg, Gafford, Goodwin, Greer, Hill, Holley, Jackson (F), Johnson, Johnstone, Jolly, Lee, Lewis, McCluskey, Martin,

Merrill, Mitchem, Naramore, Owens, Quarles, Reed, Riddick, Smith (B), Smith (J), Smith (M), Sonnier, Turnham, Waggoner, Whatley and White.

—39

And the bill, H. 394 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 1.

**Yeas:**

Mr. Speaker, Andrews, Baker, Boles, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—91

**Nay:** Mr. Armstrong.

—1

### RESOLUTIONS

The following resolutions were introduced:

By Messrs. Robertson, Johnson, McCorquodale, Andrews, Armstrong, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hilliard, Hines, Holmes (D), Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Sonnier, Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce:

H. J. R. 405. NOTING THE RETIREMENT OF NORMAN F. USSERY AND COMMENDING HIM FOR MERITORIOUS SERVICE.

WHEREAS, The Alabama Legislature notes regretfully the retirement of Norman F. Ussery from the State Pardons and Parole Board; and

WHEREAS, Mr. Ussery, now of Millbrook, Alabama, is a native of Dothan who moved at an early age to Montgomery where he graduated from Sidney Lanier High School; he also was a graduate of Port Arthur College in Texas, General Electric School of Electronics in Schenectady, New York and studied additionally at the University of Alabama; and

WHEREAS, his long and notable career of service began in 1937 with the Montgomery Police Department, then as a teacher of Vocational Education at Spalding County High School, Griffin, Georgia; his asso-

REGULAR SESSION  
14th Day

897

ciation with the State of Alabama includes six years with the Alabama Department of Education, more than four years with what is now the George C. Wallace Trade School, and four years as instructor at Draper Correctional Center Trade School which he helped implement with Dr. John M. McKee; and

WHEREAS, in 1965, Mr. Ussery was appointed to the Board of Pardons and Parole, was reappointed in 1971 and served with distinction and merit for almost twelve years until his retirement as associate member of the Board; and

WHEREAS, his interests further extend to include membership in Masonic Lodge No. 67, the Millbrook Mens Club and a number of professional organizations; he is an active and involved member of the Coosada Baptist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do unanimously and highly commend Norman F. Ussery for innumerable contributions to his community and to the State of Alabama, and direct that a copy of this resolution be sent to him that he may know of our warm wishes for a long and happy retirement and every future success.

On motion of Mr. Robertson, the rules were suspended and the resolution, H. J. R. 405, was adopted.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hilliard, Hines, Holmes (D), Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNair, McNeese, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Sonnier, Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—87

Also:

By Messrs. Smith (M), Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNeese, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce:

H. R. 406. MOURNING THE DEATH OF JAMES MALLORY JENKINS.

**JOURNAL OF THE HOUSE, 1977**  
**14th Day**

WHEREAS, the Legislature of Alabama has learned with regret and with a deep sense of loss of the death of James Mallory Jenkins of Roanoke, Alabama on March 1, 1977; and

WHEREAS, Mr. Jenkins, who was a native of Talladega and a graduate of Talladega High School, was also a graduate of Auburn University, studied further at Columbia University and served as a captain in the United States Army during World War II; and

WHEREAS, Jimmy Jenkins had been a resident of Roanoke since 1936 and, before his retirement, was an appraiser for the Alabama Power Company; he was a charter member of the Roanoke Rotary Club and an active member of the First Baptist Church of Roanoke; and

WHEREAS, he was elected to the House of Representatives in November, 1954, serving his district and state with ability, deep dedication and devotion to duty from 1955-1962; and

WHEREAS, we will greatly miss our beloved former colleague, remembering him with respect, admiration and affection; now therefore,

BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That we do grievously mourn the death of James Mallory Jenkins and express our heartfelt sympathy to his wife, Mrs. Hulit Higgins Jenkins; his daughter, Mrs. Edward D. Landrum of Wetumpka; his son, Dr. James M. Jenkins, Jr. of Auburn, and other family members to whom copies of this resolution shall be sent.

On motion of Mr. Smith (M), the rules were suspended and the resolution, H. R. 406, was adopted.

**SPECIAL ORDER RESUMED**

And the bill:

H. 440. (With Substitute): To require any utility or telephone company that is required to obtain a certificate of public convenience and necessity under Title 48, Section 105 or Section 332 of the 1940 Code of Alabama from the Alabama Public Service Commission for the construction or operation of any facility to give notice of the filing of such application with said Commission to the owners of all lands which are proposed to be acquired for the construction or operation of the facility for which the certificate of convenience and necessity is sought, and to provide that such owners shall be entitled to be heard and to participate in such certificate proceedings; to repeal all laws or parts of laws in conflict herewith and to provide for the effective date of this Act.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

**A BILL**  
**TO BE ENTITLED**  
**AN ACT**

To require any utility or telephone company that is required to obtain a certificate of public convenience and necessity under Title 48, Section 105 or Section 332 of the 1940 Code of Alabama from the Alabama Public Service Commission for the construction or operation of any facility to give notice of the filing of such application with said Commission



to the reasonably identifiable owners of all lands which are proposed to be acquired for the construction or operation of the facility for which the certificate of convenience and necessity is sought, and to provide that such owners shall be entitled to be heard and to participate in such certificate proceedings, except, however, such notice requirement shall not apply to the acquisition of lands or interest in lands for utility or telephone transmission or distribution lines; to repeal all laws or parts of laws in conflict herewith and to provide for the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Any utility or telephone company that is required to obtain a certificate of convenience and necessity under Title 48, Section 105 or Section 332 of the 1940 Code of Alabama from the Alabama Public Service Commission for the construction or operation of any facility must give notice of the filing of such application with said Commission to the reasonably identifiable owners of all lands which are proposed to be acquired for such construction or operation for which the certificate of convenience and necessity is sought, except, however, such notice requirement shall not apply to the acquisition of lands or interest in lands for utility or telephone transmission or distribution lines. Such notice must be given, in writing, and proof of service thereof must be filed with and become a part of the record of such certificate proceedings before the Commission. All such landowners shall be entitled to be heard and to participate in such certificate proceedings.

Section 2. All laws or parts of laws in conflict herewith are hereby expressly repealed.

Section 3. This Act shall take effect immediately upon its passage and approval by the Governor, or by its otherwise becoming a law.

And the substitute was adopted.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harrison, Hill, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNair, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams, Wyatt and Younce.

—28

#### AMENDMENT OFFERED

Mr. Smith (M) offered the following amendment to the bill, H. 440 as amended:

Amend State Administration Committee Substitute for H. B. 440 by adding at the end of the first sentence in Section 1 thereof the following:

“, or to the purchase, lease, or other acquisition of an existing utility or telephone system.”

## AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 90; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (D), Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, Leonard, Lockett, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—90

And the bill:

H. 440. To require any utility or telephone company that is required to obtain a certificate of public convenience and necessity under Title 48, Section 105 or Section 332 of the 1940 Code of Alabama from the Alabama Public Service Commission for the construction or operation of any facility to give notice of the filing of such application with said Commission to the reasonably identifiable owners of all lands which are proposed to be acquired for the construction or operation of the facility for which the certificate of convenience and necessity is sought, and to provide that such owners shall be entitled to be heard and to participate in such certificate proceedings, except, however, such notice requirement shall not apply to the acquisition of lands or interest in lands for utility or telephone transmission or distribution lines; to repeal all laws or parts of laws in conflict herewith and to provide for the effective date of this Act.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 94; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCulley, McMillan, McNair, McNees, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—94

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 440:

Messrs. Albright, Andrews, Campbell, Carter, Cooper, Crawford, Dial, Drake, Ford, Glass, Hall, Hill, Holley, Holmes (D), Jackson (F), Johnstone, Kennedy, Merrill, Mitchem, Naramore, Owens, Pegues, Porter, Quarles, Rich, Riddick, Sasser, Shelton, Shoemaker, Smith (B), Smith (J), Sparks, Warren, Williams, Wyatt and Younce.

And the bill:

H. 701. To further amend Section 5 of Act No. 21, H. 28, Special Session of 1969 (Acts of Alabama 1969, p. 46; now appearing in Code of Alabama 1940, Recompiled 1958, Title 51, Section 188(1)) levying a privilege or license tax against certain persons and utilities on account of the furnishing of certain utility services and to prescribe the rates and exclusions therefrom so as to further provide for an exclusion for any individuals sixty-five years of age or over.

Was taken up.

AMENDMENT OFFERED

Mr. Manley offered the following amendment to the bill, H. 701:

Section 3. This Act shall become effective immediately upon on the first day of the second month after its passage and approval by the Governor, or upon its otherwise becoming a law.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 88; Nays 2.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Homes (D), Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Younce.

—88

Nays: Messrs.: Andrews and Wyatt.

—2

And the bill, H. 701 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 6.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Boles, Brindley, Buskey, Callahan, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin,

Greer, Gregg, Harris, Harrison, Hill, Hilliard, Hines, Holmes (D), Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, McCluskey, McCulley, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Sheiton, Shoemaker, Smith (B), Smith (J), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—86

*Nays:* Messrs.: Albright, Andrews, Holley, McNair, Martin and Younce.

—6

## RESOLUTION

The following resolution was introduced:

By Messrs. Cates, Harris, Dial and Ford:

H. R. 407. COMMENDING HENRY B. GRAY III UPON HIS APPOINTMENT TO THE POSITION OF ADJUTANT GENERAL OF ALABAMA.

WHEREAS, Henry B. Gray III is exceptionally well qualified for the position to which appointed; and

WHEREAS, Henry B. Gray III has served long and honorably as a member of the Alabama National Guard; and

WHEREAS, Henry B. Gray III has served in a highly commendable manner as Administrator of the Alabama Alcoholic Beverage Control Board; and

WHEREAS, Henry B. Gray III has served as President of the Alabama Cattlemen's Association and as Governor of The Alabama District Kiwanis International; and

WHEREAS, Henry B. Gray III is a person of impeccable integrity and outstanding ability; and

WHEREAS, Henry B. Gray III has been selected by Governor Wallace during a difficult period to serve as Alabama's Adjutant General; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That we do hereby commend and encourage Henry B. Gray III upon his appointment as Adjutant General of Alabama.

On motion of Mr. Cates, the rules were suspended and the resolution, H. R. 407, was adopted.

## SPECIAL ORDER RESUMED

And the bill:

H. 269. To provide for the attendance of witnesses from outside the state in criminal proceedings and to provide for the summoning of such witnesses and the arrest and service of process; and to provide for the repeal of all laws in conflict; and to provide an effective date.

Was taken up.

**REGULAR SESSION**  
**14th Day**

903

**AMENDMENT OFFERED**

Mr. Johnstone offered the following amendment to the bill, H. 269:

Amend Section 1 of H. B. 269 by inserting on line 32, page 1, immediately after the word "any" and before the word "territory" the following: state or.

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 84; Nays 0.

**Yeas:**

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Drake, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hines, Holley, Holmes (D), Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, McNair, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—84

**MOTION TO ADJOURN LOST**

The motion offered by Mr. Clark that the House adjourn until 2:00 o'clock p.m., Tuesday, March 29, 1977, was lost.

Yeas 22; Nays 63.

**Yeas:**

Messrs.: Brindley, Clark, Crawford, Cross, Goodwin, Holmes (D), Johnson, Jolly, Lee, McNair, McNees, Manley, Merrill, Moore (W), Morris, Riddick, Sandusky, Sasser, Shelton, Whatley, White and Younce.

—22

**Nays:**

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crowe, Dial, Drake, Falkenburg, Gafford, Greer, Gregg, Hall, Harris, Hill, Hines, Holley, Jackson (F), Johnstone, Kelley, Kennedy, Killian, Kinsey, Leonard, Lockett, McCluskey, McCulley, Martin, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Williams and Wyatt.

—63

**SPECIAL ORDER RESUMED**

**H. 269 RESUMED**

And the bill, H. 269 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 1.

**Yeas:**

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates,

Clark, Coburn, Cooper, Crawford, Crowe, Drake, Edwards, Falkenburg, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNair, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—91

Nay: Mr. Shelton.

—1

And the bill:

H. 419. To amend Title 15, Section 45, Code of Alabama, 1940 (Recompiled 1958) so as to increase the amount that can be offered as a reward for the rearrest or apprehension of certain specified individuals.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (D), Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—87

And the bill:

H. 420. To amend Title 15, Section 44 of the Code of Alabama, 1940, (recompiled 1958) so as to increase the amount that can be offered as a reward and also specify the crimes for which the reward can be offered.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Drake, Edwards, Falkenburg, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (D), Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shoemaker, Smith (B),

REGULAR SESSION  
14th Day

905

Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—85

And the bill:

H. 320. To amend further Section 12 of Act No. 1, H. 46, Regular Session 1945 (General Acts of Alabama 1945, p. 1) entitled "An act to conserve natural resources of the State of Alabama and to prevent the waste thereof by providing for the regulation, control, and supervision of the drilling for and the production and use of oil and gas in the State of Alabama and to provide funds therefor by the levy of a charge of twenty-five dollars upon each well drilled in search of oil and gas in Alabama and a tax equal in amount of two percent of the gross value, at the point of production, of oil and gas produced in Alabama", approved May 22, 1945, as amended, so as to allow spacing in the case of irregular sections which exceed 640 acres and so as to allow the Board to designate drilling or production units of up to 160 acres or one governmental quarter section in the case of oil and 640 acres or one governmental section in the case of gas plus ten percent tolerance so as to allow for irregular sections, and to further allow the Board, after notice and hearing, to establish units in oil and gas pools not to exceed 50 percent greater than 160 acres or one governmental quarter section in the case of oil and 640 acres or one governmental section in the case of gas, provided such action is justified by sufficient technical data indicating that such acreage or lands in excess of the aforesaid limitations is being drained or is in imminent danger of being drained and that the owners of interests in such said excess acreage or land cannot otherwise receive their just and equitable share of production from the pool.

Was taken up.

AMENDMENT OFFERED

Mr. McMillan offered the following amendment to the bill, H. 320:

Amend House Bill 320, page 1, line 17, after the words "oil and gas pools" to read:

not to exceed thirty (30) per cent greater than

On page 1, line 24, include the following additional phrase immediately following the word "drained":

; further providing that each such owner shall pay his proportionate share of drilling and production costs.

On page 2, line 9, after the words "oil and gas pools", amend to read:

not to exceed thirty (30) per cent greater than 160

On page 2, line 15, following the words "production from the pool" include the following additional words:

; further providing that each such owner shall pay his proportionate share of drilling and production costs.

On page 3, line 18, after the words "oil and gas pools", amend to read:

by a quantum not to exceed thirty (30) per cent greater than the

On page 3, line 24, following the words "pool being so drained", amend so as to include the following additional words:

; provided, however, that the Board shall require the owners of such said additional acreage to pay their proportionate share of the cost of drilling and equipping the unit well and of constructing facilities necessary for the production of the well to which they are being added. Failure to pay such costs shall be deemed permission by the defaulting parties for the producer designated as unit operator to withhold the net proceeds to such operator out of first production, until such costs are recouped.

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 83; Nays 0.

#### Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Holley, Holmes (D), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, McCluskey, McCulley, McMillan, McNair, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—83

And the bill:

H. 320. To amend further Section 12 of Act No. 1, H. 46, Regular Session 1945 (General Acts of Alabama 1945, p. 1) entitled "An act to conserve natural resources of the State of Alabama and to prevent the waste thereof by providing for the regulation, control, and supervision of the drilling for and the production and use of oil and gas in the State of Alabama and to provide funds therefor by the levy of a charge of twenty-five dollars upon each well drilled in search of oil and gas in Alabama and a tax equal in amount of two percent of the gross value, at the point of production, of oil and gas produced in Alabama", approved May 22, 1945, as amended, so as to allow spacing in the case of irregular sections which exceed 640 acres and so as to allow the Board to designate drilling or production units of up to 160 acres or one governmental quarter section in the case of oil and 640 acres or one governmental section in the case of gas plus ten percent tolerance so as to allow for irregular sections, and to further allow the Board, after notice and hearing, to establish units in oil and gas pools not to exceed 30 percent greater than 160 acres or one governmental quarter section in the case of oil and 640 acres or one governmental section in the case of gas, provided such action is justified by sufficient technical data indicating that such acreage or lands in excess of the aforesaid limitations is being drained or is in imminent danger of being drained and that the owners of interests in such said excess acreage or land cannot otherwise receive their just and equitable share of production from the pool; further providing that each such owner shall pay his proportionate share of drilling and production costs.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 0.

#### Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn,



REGULAR SESSION  
14th Day

907

Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Holley, Holmes (D), Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—86

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Edwards voting "Yea" on the bill, H. 701.

And the bill:

H. 321. To amend Section 9, Subsection (c) (3), Act No. 1, H. 46, Regular Session, 1945 [(General Acts of Alabama 1945, p. 1; now appearing in Title 26, Section 179(32) (c) (3), Code of Alabama (1940) (Recomp. 1958)], so as to increase the requirement and conditions of a bond regarding oil and gas wells.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Goodwin, Hall, Harris, Harrison, Hill, Hilliard, Holley, Holmes (D), Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—83

MOTION TO ADJOURN LOST

The motion offered by Mr. Biddle that the House adjourn until 2:00 o'clock p.m., Tuesday, March 29, 1977, was lost.

Yeas 34; Nays 44.

Yeas:

Messrs.: Albright, Armstrong, Biddle, Boles, Brindley, Buskey, Carter, Clark, Crawford, Gafford, Harris, Hilliard, Holley, Jackson (R), Kennedy, Killian, Lee, Leonard, McNair, Manley, Merrill, Moore (O), Moore (W), Porter, Riddick, Roberts, Sasser, Shelton, Trammell, Waggoner, Weeks, Whatley, White and Williams.

—34

Nays:

Mr. Speaker, Andrews, Baker, Barron, Callahan, Campbell, Carothers, Cates, Cooper, Crowe, Dial, Drake, Falkenburg, Goodwin, Greer, Gregg,

Hall, Hill, Hines, Holmes (D), Howard, Jackson (F), Johnstone, Kelley, Kinsey, McCluskey, McCulley, McMillan, Martin, Mitchem, Naramore, Pegues, Plaster, Quarles, Rich, Robertson, Smith (B), Smith (C), Sparks, Starkey, Turnham, Venable, Warren and Wyatt.

—44

## SPECIAL ORDER RESUMED

And the bill:

H. 150. Relating to elections; to amend the nominating procedure by changing the date for primaries, beat or mass meetings, canvass and tabulation of returns, refusal of runoff and certification of nominees and independent candidates; for such purposes, to amend Act No. 1196, S. 1018, 1975 Regular Session (Acts 1975, p. 2349) which relates to primary elections; to repeal Code of Alabama 1940, Title 17, Section 145; and to repeal other conflicting laws.

Was taken up.

## SUBSTITUTE OFFERED

Mr. Drake offered the following substitute to the bill, H. 150:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to elections; to amend the nominating procedure by changing the date for primaries, declaration and certification of candidacy, beat or mass meetings, canvass and tabulation of returns, refusal of run-off and certification of nominees and independent candidates; for such purposes, to amend Act No. 1196, S. 1018, 1975 Regular Session (Acts 1975, p. 2349), which relates to primary elections; to amend the time for contesting elections; to repeal Code of Alabama 1940, Title 17, Sections 145 and 373; and to repeal other conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 5, 10, 32, 33, and 40 of Act No. 1196, S. 1018, 1975 Regular Session (Acts 1975, p. 2349) which relates to primary elections, are amended to read as follows:

"Section 5. The primary election, except any special primary elections, if held at the expense of the state or counties during the presidential year of 1976 shall be held on the first Tuesday after the first Monday in May and, if necessary, as hereinafter provided, a second or runoff primary election shall be held on the third Tuesday next thereafter following said primary election. After 1976, Primary elections, except special primary elections, held at the expense of the state or counties, shall be held on the first Tuesday after the first Monday in September. When necessary, as hereinafter provided, a second or runoff primary election shall be held on the third Tuesday next thereafter following said primary election. Any second primary shall be held by the same election officers who held the first primary, and be held at the same places as the first primary election. No primary shall be held by any political party except as herein provided. Primary elections herein provided for shall be held at the regular polling places established for the purpose of holding general elections.

"Section 10. All candidates for nomination to public office or for election to party office in the primary provided for in this Act shall file their declaration of candidacy with the state party chairman if they

seek any office other than a county office (including federal, state, circuit, and district offices, the state senate and house of representatives), and with the county party chairman if they seek a county office, not later than 5 p.m. 46 60 days before the date of such primary.

"The state party chairman shall, no later than 5 p.m. 39 50 days before the primary certify the names of all primary candidates except candidates for county offices, to the secretary of state. The county party chairman shall, not later than 5 p.m. 39 50 days prior to the date of the primary election, certify to the probate judge the names of all candidates for nomination to county offices or election to county party offices. The secretary of state shall, not less than 29 40 days prior to the date of the primary election, certify to the probate judge of every county in which the election is to be held the names of the opposed candidates for nomination to federal, state, circuit, or district offices, the state senate and house of representatives, and all other opposed candidates to public or party office, except candidates for county offices. The probate judge of each county shall have the ballots prepared for the primary election. If a legally qualified candidate for nomination to an office is unopposed when the last date for filing declarations of candidacy has passed, his name shall not appear on the ballots to be used in the primary election, and he shall be the nominee of the party with which he has qualified for the office. If a legally qualified candidate for election to a party office is unopposed when the last date for filing declarations of candidacy has passed, his name shall not appear on the ballots to be used in the primary election, and he shall be declared elected to the party office for which he qualified.

"Section 32. At the respective meetings of the respective executive committees, said county executive committee shall, as to candidates in said primary election, for office, except candidates for county office, publicly ascertain, determine and declare: If any candidate for office in said primary election has received a majority of the votes cast for that office, and, if so, declare said candidate the nominee of the party for the office for which he was a candidate and for which he received a majority of the votes cast for that office in said primary election; if no candidate receives a majority of all of the votes cast in such primary election for any one office or offices for the nomination to which there were more than two candidates, then there shall be held a second primary election on the third Tuesday next thereafter following said primary election, and the chairman of the state executive committee shall certify to the secretary of state immediately upon the completion of such canvass, as aforesaid the names of the two candidates of his party to receive the highest number of votes in the first primary election for such office, or offices, except county officers, and who are to be voted for in the second primary election, and the chairman of each county executive committee shall immediately upon the completion of such canvass, certify to the probate judge of the county the names of the two candidates who received the highest number of votes in the first primary for nomination to any county office: and the secretary of state shall, within not more than six days from the date said certificate is received from the chairman of the state executive committee, certify to the probate judge, of any county where a second primary election is to be held the name or names of the candidates certified to him as herein provided by the chairman of the state executive committee; and the probate judge of each county in Alabama shall in manner and form as required by this chapter and the general laws of Alabama have prepared and printed all election supplies and all ballots to be voted in the second primary election, which ballots shall contain, under appropriate headings or titles of the offices to be filled, the names of the two candidates for each office

so certified to him by the secretary of state and the chairman of the county executive committee, as herein required as well as such other matters as are required by this chapter and the general laws of Alabama, on ballots for the first primary election. At the second primary election no one can be a candidate except the two persons who receive the highest number of votes for the offices for which they were candidates, in the first primary election. The returns from the second primary election shall be made and the votes canvassed, tabulated and certified and the results declared in the same manner herein provided for making, canvassing, tabulating, certifying and declaring the results of the first primary election. The county executive committee of the parties participating in said primary election shall meet at the courthouse of their respective counties not later than Wednesday, next following the second primary election and receive said returns, canvass and tabulate the same by precinct, and publicly declare the results thereof, and the chairman of each county executive committee shall forthwith, and not later than that day noon, certify and return to the chairman of the state executive committee a statement and tabulation by precincts of the results of the second primary election and of the number of votes received by each candidate for office therein voted for, except candidates for county office and not later than noon on the Friday next following the second primary election the state executive committee, or such subcommittee thereof as may have been appointed by the chairman thereof for such purpose, shall meet at the State Capitol in Montgomery and receive said returns and canvass and tabulate the same by counties, and publicly declare on that day the result thereof as to all candidates voted for, except as to candidates for county office which results shall be final, and at said respective meetings of said respective executive committees, said county executive committee shall, as to candidates for county office voted for in the second primary election, and said state executive committee shall, as to candidates for office in the second primary election voted for therein, except candidates for county office, publicly ascertain and determine the candidates receiving a majority of all of the votes cast in such second primary election for any one office, and the candidates so ascertained and determined to have received a majority of all of the votes cast in such second primary election for said office shall be declared the nominee of the party for such office, by said respective county and state executive committees, and thereupon, and immediately upon the completion of such canvass as aforesaid, the chairman thereof shall certify to and file with the judge of probate of his county the names of those who have been nominated in the first or the second primary election or as otherwise authorized or provided by this chapter, as candidates of his party for county offices, and in like manner, and immediately upon the completion of such canvass, as aforesaid by the state executive committee, or subcommittee thereof, the chairman of the state executive committee shall certify to and file with the secretary of state the names of those who have been nominated in the first or second primary election or as otherwise authorized or provided by this chapter as candidates of his party for office, except candidates for county office, and the names of the persons so certified shall be placed, in accordance with Sections 40 and 47 hereof, upon the official ballot of the general election to be held in November next thereafter as the candidates of the party for the offices for which they, respectively, have been so nominated.

"Section 33. In the event either of the two candidates receiving the highest number of votes in the first primary election, shall determine not to enter the second primary election, herein provided for, he shall, as soon as possible and not less than ten three days after holding of the first primary election, certify his declination to enter such second primary election to the chairman of the state executive committee of his

**REGULAR SESSION**  
**14th Day**

911

party, if the office is an office other than a county office, or to the chairman of the county executive committee of his party if the office is a county office, and upon the receipt of such notification the chairman of such committee shall declare the other candidate the nominee of the party for such office and certify his name as such nominee to the secretary of state or the probate judge, as the case may require, and a second primary election for the nomination of a candidate for that particular office shall not be held.

"Section 40. All such meetings shall be held in a hall, room, or open place at or in the immediate vicinity of the voting place of the respective precinct or voting district and on the same date as that set for primary elections or within 90 days preceding such date. The general public is privileged to attend such meetings but not to participate. No less than (5) days prior to the date upon which any such mass meeting, beat meeting or other meeting is to be held, notice of such meeting including the time and place of such meeting shall be filed with Judge of Probate of the County in which any such meeting is to be held and shall be published in a newspaper of general circulation in said county at the expense of the political party holding such meeting. The Probate Judge shall immediately forward to the Secretary of State a certified copy of all notices filed under this section."

Section 2. The following persons shall be entitled to have their names printed on the appropriate ballot for the general election, provided they are otherwise qualified for the office they seek:

(a) All candidates who have been put in nomination by primary election and certified in writing by the chairman and secretary of the canvassing board of the party holding the primary and filed with the probate judge of the county in the case of a candidate for county office and the secretary of state in all other cases, on the day next following the last day for contesting the primary election for that office if no contest is filed. If a contest is filed, then the certificate for the contested office must be filed on the day next following the date of settlement or decision of the contest.

(b) All candidates who have been put in nomination by any caucus, convention, mass meeting, or other assembly of any political party or faction and certified in writing by the chairman and secretary of the nominating caucus, convention, mass meeting or assembly and filed with the probate judge in case of a candidate for county office and the secretary of state in all other cases, on or before 5:00 p.m. on the day of the first primary election.

(c) Each candidate who has been requested to be an independent candidate for a specified office by written petition signed by electors qualified to vote in the election to fill such office when such petition has been filed with the probate judge in the case of a county office and with the secretary of state in all other cases, on or before 5:00 p.m. on the day of the first primary election. The number of qualified electors signing such petition shall equal or exceed one percent of the total number of registered voters of (1) the county if the office is to be filled by vote of the electors of the entire county; (2) the state if the office is to be filled by vote of the electors of the entire state; or (3) the district if the office is to be filled by the electors of a district.

The secretary of state must, not later than six days after the second primary, certify to the judge of probate of each county in the state in the case of an officer to be voted for by the electors of the whole state, and to the judges of probate of the counties composing the circuit or

district in case of an officer to be voted for by the electors of a circuit or district, upon suitable blanks to be prepared by him for that purpose, the fact of nomination or independent candidacy of each such nominee or independent candidate who has qualified with him to appear on the general election ballot. The judge of probate shall then prepare the ballot causing to be printed thereon the names of each candidate qualified under the provisions of this section; provided, however, that the probate judge is prohibited from causing to be printed on the ballot the name of any independent candidate who was a candidate in the primary election of that year.

Section 3. All nominations made by primary election may be contested within five days after the primary election, under the same conditions and on the same grounds as provided in the laws of Alabama for general elections of state and county officers, and as provided in this chapter. Such contest shall be heard and tried by the county executive committee as to candidates for county offices, and by the state committee as to candidates for all other offices; and wherever there is no county executive committee consisting of enough members to obtain a quorum, then by the state executive committee.

Section 4. Code of Alabama 1940, Title 17, Sections 145 and 373 are repealed.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 83; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, McCluskey, McCulley, McMillan, McNair, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sasser, Shoemaker, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—83

#### MOTION TO ADJOURN LOST

The motion offered by Mr. White that the House adjourn until 2:00 o'clock p.m., Tuesday, March 29, 1977, was lost.

Yeas 38; Nays 51.

*Yeas:*

Messrs.: Albright, Armstrong, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Clark, Crawford, Gafford, Hall, Harrison, Hilliard, Holley,

Jackson (R), Johnson, Kennedy, Killian, Leonard, Lewis, McNair, Manley, Merrill, Moore (O), Moore (W), Morris, Porter, Riddick, Sasser, Shelton, Sonnier, Trammell, Tucker, Waggoner, Whatley, White and Williams.

—38

*Nays:*

Mr. Speaker, Andrews, Baker, Campbell, Carothers, Carter, Cates, Cooper, Crowe, Dial, Drake, Falkenburg, Goodwin, Greer, Gregg, Harris, Hill, Hines, Holmes (D), Howard, Jackson (F), Johnstone, Kelley, Kinsey, Lee, McCluskey, McCulley, McMillan, McNees, Martin, Mitchem, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sandusky, Shoemaker, Smith (B), Smith (C), Smith (J), Sparks, Starkey, Venable, Warren, Weeks, Wyatt and Younce.

—51

#### H. 150 RESUMED

#### AMENDMENT OFFERED

Mr. Venable offered the following amendment to the bill, H. 150 as amended:

Amend substitute to H. 150, page 6, line 26, by striking out the word "less" and inserting in lieu thereof the words

less more

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 84; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Goodwin, Greer, Gregg, Hall, Harris, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Jackson (R), Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, McCluskey, McCulley, McMillan, McNair, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—84

And the bill:

H. 150. Relating to elections; to amend the nominating procedure by changing the date for primaries, declaration and certification of candidacy, beat or mass meetings, canvass and tabulation of returns, refusal of run-off and certification of nominees and independent candidates; for such purposes, to amend Act No. 1196, S. 1018, 1975 Regular Session (Acts 1975, p. 2349), which relates to primary elections; to amend the time for contesting elections; to repeal Code of Alabama 1940, Title 17, Sections 145 and 373; and to repeal other conflicting laws.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Robertson, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—88

Nay: Mr. Riddick.

—1

## UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Venable added as co-sponsor to the bill, H. 150.

And the bill:

H. 341. (With Amendment): To amend Sections 39 and 40 of Title 8, Code of Alabama of 1940, by providing for certain increases in non-resident fishing license fees; establishing an issuance fee for non-resident licenses; providing for the distribution of the revenue obtained by such increase; providing for the deletion of any reference as to race from the application for said licenses and providing that such licenses may be used for fishing in any fresh, salt or brackish waters in this state.

Was taken up.

## SUBSTITUTE OFFERED

Mr. Greer offered the following substitute to the bill, H. 341 with pending amendment:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Sections 39 and 40 of Title 8, Code of Alabama of 1940, by providing for certain increases in nonresident fishing license fees; establishing an issuance fee for nonresident licenses; providing for the distribution of the revenue obtained by such increase; providing for the deletion of any reference as to race from the application for said licenses and providing that such licenses may be used for fishing in any fresh, salt or brackish waters in this state.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 39 and 40 of Title 8, Code of Alabama of 1940 are hereby amended to read as follows:

"Section 39. Nonresidents of the state may procure an annual fishing license which will authorize the holder thereof to fish in any of the public fresh, salt or brackish waters of this state, by filing with any person authorized to issue same, an affidavit stating applicant's age,



place of residence, color, and post office address, and after paying to the person issuing said license a fee of five ten dollars. The issuing officer or authority or special agent shall be allowed a fee of twenty-five cents (25¢) for each such license issued by him, which issuing fee shall be in addition to the cost of such license. In counties where the probate judge or issuing officer is on the fee system, the issuing fee shall be retained by the probate judge or issuing officer, and in counties where the probate judge or issuing officer is on a salary basis, the fee shall be paid by him into the county treasury to the credit of the appropriate fund.

"Seven dollars of the above said ten dollars are to be deposited in the State treasury to the credit of the Game and Fish fund and three dollars to the credit of the Marine Resources fund.

"Section 40. Any nonresident of this state may procure a trip fishing license in the same manner provided for other licenses provided in this chapter, by paying therefor the sum of two four dollars, which license will authorize the holder thereof to fish in any of the public fresh, salt or brackish waters of this state for a period of seven days from the day said license was issued.

"The issuing officer or authority or special agent shall be allowed a fee of twenty-five cents (25¢) for each such license issued by him, which issuing fee shall be in addition to the cost of such license. In counties where the probate judge or issuing officer is on the fee system, the issuing fee shall be retained by the probate judge or issuing officer, and in counties where the probate judge or issuing officer is on a salary basis, the fee shall be paid by him into the county treasury to the credit of the appropriate fund.

"Three dollars of the above said four dollars is to be deposited in the State treasury to the credit of the Game and Fish fund and one dollar to the credit of the Marine Resources fund."

Section 2. The provisions of this act shall become effective July 1, 1977.

#### SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 83; Nays 0.

*Yeas:*

Messrs.: Albright, Andrews, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Goodwin, Greer, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—83

#### MOTION TO ADJOURN LOST

The motion offered by Mr. Armstrong that the House adjourn until 2:00 o'clock p.m., Tuesday, March 29, 1977, was lost.

Yeas 38; Nays 45.

*Yeas:*

Messrs.: Albright, Armstrong, Baker, Biddle, Boles, Brindley, Clark, Crawford, Drake, Gafford, Goodwin, Hall, Harris, Harrison, Hilliard, Holley, Holmes (D), Jackson (R), Jolly, Killian, Lee, Lewis, McNair, Manley, Merrill, Moore (O), Moore (W), Porter, Reed, Riddick, Sasser, Shelton, Starkey, Trammell, Waggoner, Whatley, White and Williams.

—38

*Nays:*

Mr. Speaker, Andrews, Callahan, Campbell, Carothers, Carter, Coburn, Cooper, Crowe, Dial, Falkenburg, Greer, Hill, Hines, Howard, Jackson (F), Johnstone, Kelley, Kinsey, Leonard, McCluskey, McCulley, McMillan, McNeas, Martin, Mitchem, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sandusky, Shoemaker, Smith (B), Smith (M), Sparks, Trammell, Turnham, Venable, Warren, Weeks and Younce.

—45

## H. 341 RESUMED

And the bill:

H. 341. To amend Sections 39 and 40 of Title 8, Code of Alabama of 1940, by providing for certain increases in nonresident fishing license fees; establishing an issuance fee for nonresident licenses; providing for the distribution of the revenue obtained by such increase; providing for the deletion of any reference as to race from the application for said licenses and providing that such licenses may be used for fishing in any fresh, salt or brackish waters in this state.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 1.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Goodwin, Greer, Hall, Harris, Hill, Hilliard, Hines, Holmes (D), Howard, Jackson (F), Jackson (R), Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Younce.

—81

*Nay:* Mr. Johnstone.

—1

## MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Campbell to suspend the rules in order to bring up out of order the bill, H. 650, was lost.

## SPECIAL ORDER RESUMED

And the bill:

H. 643. (With Substitute) (With Amendment): To authorize the State of Alabama to levy and collect, in addition to all other taxes here-

tofore imposed by law, an excise and privilege tax on every person severing coal or lignite within the State of Alabama; to provide that the proceeds collected therefrom be deposited with the Department of Revenue and that thereafter (1) a portion of said tax be distributed to each municipality within the police jurisdiction of which such severance occurred in an amount based on the tax collected from the coal and lignite severing operations within such police jurisdiction provided that where such severance is not within the police jurisdiction of a municipality, then a portion of such tax shall be distributed to the county in which such severance occurred; (2) a portion of said tax to be distributed to the State Highway Department; to establish procedures for the distribution of such funds by the Department of Revenue; to authorize the Department of Revenue or its authorized agents to inspect the relevant books of each person severing coal or lignite and to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this Act; to prohibit, and make null and void, the enactment and implementation by county, municipal or other taxing authorities severance taxes inconsistent with or additional to the provisions of this Act and to effect the repeal of any laws previously passed authorizing the implementation or enactment of any such tax; and to prescribe penalties for the violations of the provisions of this Act.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To authorize the State of Alabama to levy and collect, in addition to all other taxes heretofore imposed by law, an excise and privilege tax on every person severing coal or lignite within the State of Alabama; to provide that the proceeds collected therefrom be deposited with the Department of Revenue and that thereafter (1) a portion of said tax be distributed to the governing body of the county within which such severance occurred; (2) a portion of said tax be distributed to the governing body of the municipality within the police jurisdiction or municipal limits of which such severance occurred in an amount based on the tax collected on the severance of coal or lignite within such police jurisdiction or municipal limits; to establish procedures for the distribution of such funds by the Department of Revenue; to authorize the Department of Revenue or its authorized agents to inspect the relevant books of each person severing coal or lignite and to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this Act; to prohibit, and make null and void, the enactment and implementation by county, municipal or other taxing authorities severance taxes inconsistent with or additional to the provisions of this Act and to effect the repeal of any laws previously passed authorizing the implementation or enactment of any such tax; and to prescribe penalties for the violations of the provisions of this Act.

To Be Enacted by the Legislature of Alabama:

Section 1. Definitions: When used in this chapter, unless the context plainly indicates otherwise, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

(a) "Person" means any individual, firm, partnership, corporation, association, or any other legal entity;

(b) "Sever" means cutting, mining, stripping, deep mining, or otherwise taking or removing coal or lignite from the soil within the county;

(c) "Ton" means a short ton of 2,000 lbs.

(d) "Fiscal Year" shall be a 12-month period from January 1 through December 31.

(e) "Police Jurisdiction" and "Municipal Limits" shall, for the purpose of this statute only, refer to police jurisdictions and municipal limits as such police jurisdictions and municipal limits existed on January 1, 1977.

Section 2. Any laws to the contrary notwithstanding, the Department of Revenue is authorized and empowered to levy and collect an excise and privilege tax on every person severing coal or lignite within the State of Alabama in an amount equal to twenty cents (20¢) per ton of coal or lignite severed.

Section 3. The proceeds collected pursuant to the provisions of this Act shall be deposited with the State Department of Revenue and shall be distributed by it at intervals of not more than sixty days as follows:

(a) There shall be distributed to the governing body of each municipality within the police jurisdiction or municipal limits of which coal or lignite was severed an amount equal to fifty percent (50%) of the tax collected hereunder from the severance of coal or lignite occurring within such police jurisdiction or municipal limits;

(b) There shall be distributed to the governing body of each county within which coal or lignite was severed other than within the police jurisdiction or municipal limits of a municipality an amount equal to one hundred percent (100%) of the tax collected hereunder from the severance of coal or lignite not severed within the police jurisdiction or municipal limits of a municipality; in addition, there shall be distributed to each such county fifty percent (50%) of the tax collected hereunder from the severance of coal or lignite within the police jurisdiction or municipal limits of each municipality in such county within which there occurred the severance of coal or lignite.

Section 4. In any case in which more than one municipality has, pursuant to the laws of the State of Alabama, police jurisdiction over an area, computations of tonnage severed and the distribution of taxes collected hereunder shall be prorated equally among such municipalities with such overlapping police jurisdictions as to such area of overlapping jurisdictions only.

Section 5. The relevant books of every person engaged in the severing of coal or lignite in the State of Alabama shall be open to inspection by duly authorized agents of the Department of Revenue selected or appointed for the purpose of aiding in the collection and enforcement of the tax imposed by this Act. The Department of Revenue is authorized and empowered to issue such forms and to make reasonable rules, regulations and promulgations as may be necessary to enforce and collect the tax hereby imposed including the imposition of a delinquent penalty not to exceed fifteen percent (15%) of the amount of such tax; provided, however, such penalty may be waived by the Department of Revenue if a good and sufficient reason therefor is shown.

Section 6. Any person who shall fail to comply with the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof

shall be fined not less than five hundred dollars (\$500.00) nor more than five thousand dollars (\$5,000.00) for each such offense.

Section 7. The provisions of this Act are supplemental and shall be construed in *pari materia* with Act No. 2305, H. 875, 1971 Regular Session (Acts 1971, p. 3719) and other laws regulating excise and privilege taxes on the severance of coal or lignite, provided, however, that those laws or parts of laws, including specifically any laws imposing or authorizing local, county, municipal or other severance taxes on coal or lignite are hereby repealed and all counties, municipalities and taxing authorities now or hereafter existing in the State of Alabama are prohibited from enacting and implementing any excise or privilege tax on any person severing coal or lignite within the State of Alabama.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This Act shall become effective on the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 67; Nays 3.

**Yeas:**

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Brindley, Callahan, Carothers, Carter, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Goodwin, Greer, Hall, Hill, Hilliard, Hines, Holley, Holmes (D), Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Lewis, McCluskey, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Robertson, Sandusky, Shelton, Shoemaker, Smith (B), Sonnier, Sparks, Starkey, Venable, Waggoner, Weeks, Whatley, White, Williams, Wyatt and Younce.

—67

**Nays:** Messrs.: Leonard, McNair and Trammell.

—3

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 643 as substituted by adding after the word "coal" found on page 1, lines 4, 10, 20, 28 and 32 and page 2, lines 15, 26 and 28, page 3, lines 1, 3, 6, 9, 13, 15 and 24 and page 4, lines 9, 12, and 16 the following:

" , bauxite,"

And the amendment was adopted.

Yeas 73; Nays 1.

**Yeas:**

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Dial, Edwards, Falkenburg, Ford, Gafford, Goodwin, Harris, Hill, Hilliard, Hines, Holley, Holmes (D), Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Lewis, Lockett, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W),

Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Younce.

—73

Nay: Mr. McNair.

—1

## MOTION TO ADJOURN LOST

The motion offered by Mr. Boles that the House adjourn until 2:00 o'clock p.m., Tuesday, March 29, 1977, was lost.

Yeas 42; Nays 44.

## Yeas:

Messrs.: Albright, Armstrong, Barron, Boles, Brindley, Buskey, Carter, Clark, Coburn, Crawford, Drake, Gafford, Goodwin, Hall, Harris, Harrison, Hilliard, Holmes (D), Jackson (R), Jolly, Kennedy, Killian, Leonard, Lewis, McNair, Manley, Merrill, Moore (O), Moore (W), Morris, Quarles, Riddick, Sasser, Shelton, Smith (J), Sparks, Starkey, Trammell, Waggoner, Weeks, White and Williams.

—42

## Nays:

Mr. Speaker, Andrews, Baker, Biddle, Callahan, Campbell, Carothers, Cooper, Crowe, Dial, Falkenburg, Greer, Hill, Hines, Holley, Howard, Jackson (F), Johnstone, Kelley, Kinsey, Lee, Lockett, McCluskey, McCulley, McMillan, McNees, Martin, Mitchem, Naramore, Owens, Pegues, Plaster, Roberts, Robertson, Sandusky, Shoemaker, Smith (B), Smith (C), Sonnier, Venable, Warren, Whatley, Wyatt and Younce.

—44

## H. 643 RESUMED

## MOTION TO POSTPONE TABLED

On motion of Mr. Biddle, the motion offered by Mr. Boles to postpone further consideration of the bill, H. 643 as amended, to the seventeenth legislative day, was tabled.

Yeas 57; Nays 17.

## Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Carothers, Carter, Clark, Coburn, Crowe, Drake, Edwards, Falkenburg, Ford, Gafford, Goodwin, Hines, Holley, Holmes (D), Howard, Jackson (F), Johnson, Kelley, Kennedy, Kinsey, Lee, Lewis, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (M), Sonnier, Sparks, Starkey, Waggoner, Warren, Weeks, White, Williams and Younce.

—57

## Nays:

Messrs.: Andrews, Boles, Hall, Harrison, Hill, Hilliard, Jackson (R), Jolly, Killian, Leonard, Lockett, McNair, Smith (B), Smith (J), Trammell, Tucker and Wyatt.

—17

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Messrs. Peden, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson:

S. J. R. 292. Commending the University of North Alabama Basketball Team.

Also:

By Mr. Roberts:

S. J. R. 293. Requesting the Secretary of the Army to recommend to President Carter the continuation of the Tennessee-Tombigbee Waterway in his report on or before April 15, 1977.

Also:

By Messrs. Pearson and McMillan:

S. J. R. 295. Commending Norman F. Ussery for meritorious service.

Also:

By Mr. Waldrop:

S. J. R. 296. Commending Morris Nelson, a dedicated Kiwanian.

Also:

By Mr. Waldrop:

S. J. R. 297. Mourning the death of James W. McDaniel.

Also:

By Messrs. McDonald (A), King and Baker:

S. J. R. 298. Commending the University of Alabama, Huntsville, Basketball Team.

Also:

By Messrs. McDonald (A), King and Baker:

S. J. R. 299. Commending the University of Alabama, Huntsville, Wind Ensemble.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, S. J. R. 292, on the Clerk's desk for one legislative day.

On motion of Mr. Callahan, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 293, the title of which is set out in the above and foregoing Message from the Senate.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolutions, S. J. R. 295, S. J. R. 296, S. J. R. 297, S. J. R. 298 and S. J. R. 299, on the Clerk's desk for one legislative day.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 373. COMMENDING AND CONGRATULATING HOWARD RUSSELL DAY ON ATTAINING THE RANK OF EAGLE SCOUT.

McDOWELL LEE,  
Secretary.

## H. 643 RESUMED

## AMENDMENT OFFERED

Mr. Leonard offered the following amendment to the bill, H. 643 as amended:

Amend the substitute for H. B. 643 by placing a period after the word lignite on page 3, line 10 and deleting the remainder of line 10 and lines 11-16.

## AMENDMENT TABLED

On motion of Mr. Naramore, the amendment offered by Mr. Leonard to the bill, H. 643 as amended, was tabled.

Yeas 53; Nays 24.

Yeas:

Mr. Speaker. Armstrong, Baker, Biddle, Brindley, Callahan, Carothers, Carter, Clark, Coburn, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Gafford, Hines, Holmes (D), Jackson (F), Kelley, Kennedy, Kinsey, Lee, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Plaster, Quarles, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (M), Sonnier, Sparks, Starkey, Waggoner, Warren, Weeks, White, Williams, Wyatt and Younce.

—53

Nays:

Andrews, Barron, Boles, Goodwin, Greer, Hall, Harrison, Hill, Hilliard, Howard, Jackson (R), Johnson, Johnstone, Jolly, Leonard, Lewis, Lockett, McNair, Porter, Rich, Riddick, Smith (B), Trammell and Tucker.

—24

## MOTION TO ADJOURN LOST

The motion offered by Mr. Morris that the House adjourn until 2:00 o'clock p.m., Tuesday, March 29, 1977, was lost.

Yeas 42; Nays 44.

Yeas:

Messrs.: Andrews, Armstrong, Baker, Barron, Brindley, Buskey, Clark, Coburn, Crawford, Drake, Goodwin, Hall, Harris, Harrison, Hilliard, Holmes (D), Jackson (R), Jolly, Kennedy, Killian, Leonard, Lockett, McCluskey, McNair, Manley, Merrill, Moore (O), Moore (W), Morris,



REGULAR SESSION  
14th Day

923

Pegues, Porter, Rich, Riddick, Sasser, Smith (B), Smith (J), Sparks, Starkey, Trammell, Tucker, Waggoner and Williams.

—42

*Nays:*

Mr. Speaker, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Crowe, Dial, Falkenburg, Gafford, Greer, Hill, Hines, Howard, Jackson (F), Johnson, Kelley, Kinsey, Lee, Lewis, McCulley, McMillan, McNees, Martin, Mitchem, Naramore, Owens, Plaster, Quarles, Roberts, Robertson, Sandusky, Shelton, Smith (C), Smith (M), Sonnier, Turnham, Venable, Warren, Weeks, White, Wyatt and Younce.

—44

REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS

**Mr. Speaker:**

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 373. COMMENDING AND CONGRATULATING HOWARD RUSSELL DAY ON ATTAINING THE RANK OF EAGLE SCOUT.

And finds same correctly enrolled.

TOM DRAKE,  
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

CERTIFICATE OF CLERK

To The House of Representatives

I hereby certify that the House Joint Resolution hereinafter mentioned was delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 4:00 P.M. on March 24, 1977:

H. J. R. 373.

John W. Pemberton,  
Clerk.

ADJOURNMENT

On motion of Mr. Weeks and pursuant to the resolution, H. R. 383, heretofore adopted, the House adjourned until 2:00 o'clock p.m., Tuesday, March 29, 1977.

Yeas 46; Nays 42.

*Yeas:*

Messrs.: Andrews, Armstrong, Baker, Barron, Boles, Brindley, Buskey, Carter, Clark, Dial, Drake, Edwards, Glass, Goodwin, Hall, Harris, Harrison, Hilliard, Holmes (D), Jackson (R), Jolly, Kennedy, Killian, Leonard,

Lockett, McCluskey, McNair, Manley, Merrill, Moore (O), Moore (W), Morris, Pegues, Reed, Rich, Riddick, Sasser, Shelton, Shoemaker, Smith (B), Smith (J), Sparks, Starkey, Trammell, Tucker and Weeks.

—46

*Nays:*

Mr. Speaker, Biddle, Callahan, Campbell, Carothers, Crawford, Crowe, Falkenburg, Gafford, Greer, Hill, Hines, Howard, Jackson (F), Johnson, Kelley, Kinsey, Lee, Lewis, McCulley, McMillan, McNees, Martin, Mitchem, Naramore, Owens, Plaster, Quarles, Roberts, Robertson, Sandusky, Smith (C), Smith (M), Sonnier, Turnham, Venable, Waggoner, Warren, White, Williams, Wyatt and Younce.

—42

## FIFTEENTH DAY

House of Representatives  
Montgomery, Alabama  
Tuesday, March 29, 1977

The House met pursuant to adjournment.

## PRAYER

The session was opened with prayer by the Reverend John Porter, Birmingham, Alabama.

## ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce:

—104

A quorum was present.

## REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fourteenth legislative day and finds the same to be correct.

TOM DRAKE,  
Chairman.

**REGULAR SESSION**  
**15th Day**

925

On motion of Mr. Crowe, the reading at length of the Journal of the House for the fourteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fourteenth legislative day was approved.

**RESOLUTIONS**

The following resolutions were introduced:

By Rules Committee:

H. R. 408. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named by made the special and paramount order of business for March 29, 1977, taking precedence over any other business of the House.

Report of Standing Committees

Commendation and Sympathy Resolutions

Introduction of Bills

Uncontested Local Bills

H. B. 643	p. 133	Coal Severance
H. B. 196	p. 6	Prison Meal Allowance
H. B. 489	p. 96	Prison Meal Allowance
H. B. 1036	p. 1	P & S Medicaid transfer
H. B. 436	p. 66	Gas & Oil
H. B. 901	p. 2	Revenue
H. B. 964	p. 3	Revenue
H. B. 965	p. 4	Revenue
H. B. 872	p. 125	Department of Public Safety
H. B. 112	p. 4	Excise tax
H. B. 113	p. 4	Excise tax
H. B. 485	p. 106	Alabama Student Grant Program
H. B. 577	p. 32	Surface Mining
H. B. 646	p. 16	Worthless Checks
H. B. 27	p. 32	Commission on Higher Education
H. B. 80	p. 5	Tuition for children of firemen & policemen
H. B. 390	p. 144	University of North Alabama
H. B. 684	p. 150	Non-resident fishing
H. B. 220	p. 8	Board of Aeronautics
H. B. 683	p. 77	Rescue Tags
H. B. 331	p. 13	Bail Bond
H. B. 606	p. 140	Retirement Systems
H. B. 476	p. 32	Sheriff fees
H. B. 467	p. 36	School Boards
H. B. 111	p. 7	Swine Diseases
H. B. 145	p. 110	Poultry
H. B. 401	p. 29	Continuing Education
H. B. 929	p. 154	Scales
H. B. 1023	p. 33	City of Jacksonville
H. B. 881	p. 115	Pornography
H. B. 16	p. 14	Definition of Death
H. B. 157	p. 41	Fair Employment
H. B. 843	p. 133	Dental Scholarships
H. B. 844	p. 136	Medical Scholarships
H. B. 650	p. 150	Non-resident hunting license
H. B. 88	p. 11	District Attorneys
H. B. 8	p. 43	Revising Ethics Act
H. B. 99	p. 20	Trapping
H. B. 308	p. 31	Subdivisions

H. B. 832	p. 103	Medical Boards
H. B. 518	p. 12	Moose Lodge
H. B. 56	p. 16	School of Deaf & Blind
H. B. 296	p. 22	Drug Labeling
H. B. 986	p. 18	Local Boards of Education
H. B. 498	p. 70	Eastern Star
H. B. 442	p. 111	Retirement System
H. B. 274	p. 40	REA
H. B. 445	p. 73	Criminal Code
H. B. 474	p. 33	Rural Fire Fighting Units

## AMENDMENT OFFERED

Mr. Johnson offered the following amendment to the resolution.  
H. R. 408:

Amend the Special Order by deleting H. B. 485 on page 1 of the Special Order Calendar.

## AMENDMENT TABLED

On motion of Mr. Drake, the amendment offered by Mr. Johnson to the resolution, H. R. 408, was tabled.

Yeas 51; Nays 21.

## Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Boles, Callahan, Campbell, Carter, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Folmar, Gafford, Goodwin, Harris, Hill, Hilliard, Holmes (D), Jackson (F), Kinsey, Leonard, Lockett, McCulley, McNeas, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Rich, Roberts, Robertson, Sandusky, Smith (J), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, Warren, White and Younce.

—51

## Nays:

Messrs.: Albright, Andrews, Barron, Brindley, Buskey, Dial, Hall, Harrison, Holley, Holmes (A), Hopping, Johnson, Jolly, Kennedy, Lewis, Lutz, McNair, Riddick, Shoemaker, Williams and Wyatt.

—21

On motion of Mr. Drake, the resolution, H. R. 408, was adopted.

Yeas 66; Nays 17.

## Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Gregg, Hall, Harris, Hilliard, Hines, Holmes (D), Jackson (F), Kelley, Killian, Kinsey, Lee, McCluskey, McCulley, McMillan, McNeas, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Shoemaker, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White and Younce.

—66

## Nays:

Messrs.: Albright, Andrews, Barron, Buskey, Ford, Harrison, Holley, Holmes (A), Hopping, Howard, Johnson, Jolly, Leonard, Lewis, Lutz, McNair and Wyatt.

—17

Also:

By Mr. Manley:

H. R. 409. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when the House adjourns today it will adjourn to meet again on Thursday, March 31, 1977 at 11:00 A.M.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 409, was adopted.

#### BILLS ON SECOND READING

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 377. (With Substitute) (With Amendment): To provide a cost of living increase be paid to certain retired members of the Employees' Retirement System of Alabama in the same manner and from the same source of funds as is provided in Section 8 of Act No. 515, H. 93 of the 1945 Regular Session, as amended (Acts 1945, p. 734); and to make appropriations sufficient to cover the cost of such increased payments.

Mr. Kinsey, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 448. (With Substitute): To provide for an insurance guaranty association so as to avoid financial loss to claimants or policyholders because of the insolvency of an insurer; to provide for definitions; to provide for a board of directors and powers and duties of the association; to provide for powers and duties of the commissioner; to provide for certain tax exemptions and immunity; and to provide for termination procedures and distribution of funds.

Mr. Kinsey, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 862. (With Amendment): To provide a system of reinsurance to protect policyowners, insureds, beneficiaries, annuitants, payees and assignees in Alabama life insurance companies from default on any life insurance policy, life annuity, or supplementary contracts without life contingencies issued by any such company; to create a depository reinsurance trust fund for a portion of certain assets of said companies in order to provide funds for such reinsurance; to prescribe what assets shall be approved for deposit in the reinsurance trust fund; to authorize and require the Insurance Commissioner to supervise the placing of company assets into such fund to meet the requirements of this Act; to authorize the Insurance Commissioner to transfer the life insurance policies, life annuities, or supplementary contracts to other Alabama companies if the insurer fails to deposit the required assets; to give the policyowners a first lien on all company assets in the event of such failure; to authorize the department to change and alter the policy forms to effect the transfer of such insurance and to substitute non-participating insurance for participating insurance, keeping the face

amount of the insurance intact; and to provide procedures for the supervision of the assets and activities of companies failing to comply with the terms of this Act.

Mr. Reed, Chairman of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 804. (With Amendment): To prescribe punishment for owners of dogs which bite persons under certain circumstances, and to preserve all existing civil and criminal remedies available to the victim.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 262. Relating to Dale County, providing for a one-to-one method of striking jurors in criminal cases.

H. 940. Relating to Blount County; to make it unlawful for any person to attempt to locate deer by shining any type of lighting device across fields, pastures and roadsides; prescribing penalties.

H. 942. Relating to all counties having a population of not less than 38,100 nor more than 40,500 according to the 1970 or any subsequent federal decennial census; to authorize the expenditure of funds not otherwise obligated of such county hospital boards by said board for the purpose of constructing, equipping, acquiring, maintaining, leasing, selling or otherwise disposing of office buildings and the real estate on which same may be situated to physicians who will engage in the practice of medicine in such county; and to further authorize such county hospital boards to borrow money, mortgage property, and do any and all other things necessary and proper to secure funds with which to acquire, construct, equip and maintain said real estate and/or office buildings.

H. 958. Relating to counties having a population of not less than 16,245 nor more than 16,300 according to the 1970 or any subsequent federal decennial census; to create a county industrial development authority for the purpose of promoting industry and trade and the development of the county; to provide for the organization, powers, functions, duties and personnel of the authority and for the compensation of its employees; and to repeal conflicting laws.

H. 960. To repeal Section 8 of Act No. 1695, H. 2263, 1971 Regular Session (Acts of 1971, p. 2852), entitled, "An Act Relating to all counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent or any subsequent federal decennial census, to create a Civil Service Board in said counties to assure the more efficient operation of the Sheriff's Department; to provide for the compensation powers, duties, and compensation for such boards; and to establish certain employee management policies for the Sheriff's Department in said counties."

H. 968. To fix and regulate the payment of the compensation and expenses of members of the county board of education of every county which has a population of not less than 13,200 nor more than 13,400.

REGULAR SESSION  
15th Day

929

H. 969. Relating to counties having a population of not less than 13,200 nor more than 13,400 according to the most recent federal decennial census; fixing the compensation of the superintendent of education in such counties.

H. 991. To provide further for the election of a County Board of Education and a County Superintendent of Education for all counties having populations of not less than 56,500 nor more than 59,000 inhabitants according to the 1970 or any subsequent federal decennial census.

H. 1003. Relating to counties having a population of not less than 34,875 nor more than 36,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide for the transfer of certain funds in the county road and bridge fund to the county general fund.

H. 1010. Relating to counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the 1970 or any subsequent federal decennial census; providing for an increase in the clerk hire allowance for tax assessor in such counties, payable from the county funds.

H. 1011. To further amend Section 1 of Act No. 97, H. 105, Special Session 1966 (Acts 1966, p. 132), as amended, which regulates the compensation of election officers in counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the 1970 or any subsequent federal decennial census.

H. 1012. To amend further Section 1 of Act No. 66, H. 32, Special Session 1964 (Acts 1964, p. 87), as amended, which regulates the compensation of election officers in counties having a population of not less than 16,245 nor more than 16,300 inhabitants according to the 1970 or any subsequent federal decennial census.

H. 1080. To repeal Act No. 714, H. 1116 of the Regular Session of 1976, entitled "An Act To apply only in counties having a population of not less than 27,000 nor more than 27,900 according to the 1970 or any subsequent federal decennial census, fixing the expense allowance of the civil defense coordinator"; and to give this act retroactive effect.

H. 1096. Relating to counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide certain county officials of such counties with additional allowances.

H. 1100. Relating to Bibb County; amending the title and Section 4 of Act No. 1381, H. 2294 of the 1971 Regular Session (Acts 1971, Vol. III, p. 2327), as amended, which act pertains to the governing body of the county, so as to reflect matters of compensation in the title and to increase the monthly expense allowance of certain commissioners, payable from the county treasury.

H. 1104. Relating to all counties having a population of not less than 27,900 nor more than 33,500 according to the 1970 or any subsequent federal decennial census; to provide that all county road employees in such counties shall receive a \$100 per month salary increase paid out of the county general fund.

H. 1105. To provide that all real estate shall be assessed for ad valorem tax purposes according to its value in actual use and not according to any speculative or potential use in all counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Mr. McNair, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 14. (With Substitute): To amend further Section 2 of Act No. 248, H. 580, Regular Session 1945 (General Acts 1945, p. 376), which act creates a civil service system for employees of counties having populations of 400,000 or more according to the last or any future Federal census and certain cities in such counties, so as to require the personnel board to make provisions for including handicapped persons, as well as certain regulations for such persons into the merit system for such counties and cities.

Mr. McNair, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 460. To further amend Act Number 134 of the 1965 Regular Session of the Legislature of Alabama (Acts of Alabama Regular Session 1965, page 201) approved July 7, 1965, entitled "An Act to authorize the Mayor of any city of this State having a population of 300,000 persons or more according to the last or any subsequent federal census to employ for and in behalf of said city a Chief Administrative Assistant.

H. 544. Relating to counties having a population of not less than 500,000 inhabitants according to the most recent federal decennial census; to prohibit the use of injurious traps for the trapping of animals; prescribing a penalty for violation of this act.

H. 603. To amend Section 10 of Act No. 662, H. 991, 1951 Regular Session (Acts 1951, p. 1132), which Act levies a tax on the sale or storage of malt or brewed beverages in counties with populations of 400,000 or more, so as to provide that the portion of the proceeds of said tax which is distributed to the county board of education will be divided pro rata among the school districts of the county.

H. 604. Relating to counties having populations of 600,000 or more; to require that the proceeds of any ad valorem tax levied for the support of public education in such counties shall be distributed pro rata to the several school districts therein on the basis of student population.

H. 616. To regulate further the qualifications and elections of members of the county boards of education in all counties having a population of 500,000 or more inhabitants according to the most recent federal decennial census, providing that such members shall reside outside the corporate limits of any city in such counties having a city board of education and shall be elected by the qualified electors of such counties who live outside the corporate limits of any such city and that the electors of any such city shall not have a right to vote for members of such county boards.

H. 841. To provide that Jefferson County will pay to the chairman of the board of registers of Jefferson County, Alabama, longevity pay in the amounts and at the times provided for in the Act.

H. 913. To amend Section 10 of Act No. 1053, H. 1901 of the 1973 Regular Session of the Legislature (Acts 1973, Vol. III, p. 1688) pertaining to additional unlawful acts in counties having populations of not less than 500,000 according to the 1970 or any subsequent federal decen-



REGULAR SESSION  
15th Day

931

nial census, in regard to the sale of table wine, so as to make the unlawful acts in said counties conform to the general law of Alabama governing the sale of alcoholic beverages.

Mr. Wyatt, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 590. (With Amendments): Relating to counties having populations of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 or any subsequent federal decennial census, to redivide such counties into districts for the purpose of electing the county governing bodies.

Mr. Wyatt, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 605. (With Amendment): Relating to all counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 or any subsequent federal decennial census; fixing the total compensation, including expense allowances, for the probate judges in such counties, payable out of the general fund of such counties.

H. 648. (With Amendment): To amend further Section 3 of Act No. 1945, H. 584, Regular Session 1971 (Acts 1971, p. 3143), as last amended, which provides for and regulates the employment of county engineers so as to provide that the county engineer in certain counties need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of the county engineer's salary.

Mr. Wyatt, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 860. Relating to all counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 or any subsequent federal decennial census; fixing the total compensation, including expense allowances, for the sheriffs in such counties, payable out of the general fund of such counties.

H. 1102. To amend Section 3.09 of Act No. 618, H. 796, 1973 Regular Session of the Legislature (Acts 1973, p. 879), relating to the Mayor-Council form of government in cities with a population of not less than 70,000 nor more than 135,000 inhabitants according to the 1970 or any subsequent federal decennial census, so as to provide further for vacancies in the councils of such cities.

H. 1048. To amend Section 4 of Act No. 356 of the 1973 Session of the Alabama Legislature to allow a former member of the Montgomery County retirement system who becomes reemployed by the County to repay his withdrawn funds and have his previous creditable service restored.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 932. To provide that the clerk of the court collecting solicitor's or district attorney's fees in the first judicial circuit shall place such fees into a Judges' and District Attorney's Fund; to provide that all monies in any solicitor's or district attorney's fund in the circuit shall be paid immediately into the Judges' and District Attorney's Fund; and to authorize certain expenditures from such fund.

H. 933. Relating to the first judicial circuit of Alabama; providing for separation of the jury by consent in the circuit courts of the counties composing such circuit.

H. 959. Relating to all counties having populations of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census, to authorize and provide for an additional expense allowance for the sheriff of any such county.

H. 1024. To authorize the Chambers County Commission to regulate the minimum size of lots and the planning and construction of all public streets, public roads, and drainage structures located or to be located in subdivisions of land situated outside the corporate limits of any municipality in Chambers County.

H. 1025. Relating to Chambers County, authorizing the county governing body, in its discretion, to allocate available county funds for the payment of travel expenses for county officers who attend professional meetings.

H. 1065. Relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census; providing for a salary increase for certain county officers.

H. 1074. To authorize the county governing body of Chambers County to create a contingency fund out of the funds of the county treasury not otherwise encumbered.

S. 238. To create the office of county historian in all counties of this state having a population of not less than 60,000 nor more than 65,000 inhabitants, according to the 1970 or any subsequent federal decennial census; to provide for compensation and the method of appointment, and to prescribe the duties.

#### RESOLUTION

The following resolution introduced on the tenth legislative day was read by title pursuant to Joint Rule 11:

H. R. 331. HONORING THE ORDER OF TAXIS.

On motion of Mr. Owens, the resolution, H. R. 331, was adopted en masse.

#### RESOLUTIONS

The following resolutions introduced on the fourteenth legislative day were read by title pursuant to Joint Rule 11:

H. R. 394. COMMENDING MR. AND MRS. ORAN J. PERRY, SR.

H. R. 395. COMMENDING REV. AND MRS. CECIL M. HALSEY

H. J. R. 396. MOURNING THE DEATH OF LOUIS HODGES.

H. R. 397. COMMENDING WEST ELEMENTARY SCHOOL.

H. J. R. 398. NOTING THE 16th ANNUAL WINSTON COUNTY  
"CHITTLIN" SUPPER.

H. R. 399. COMMENDING MR. AND MRS. ROY G. EARLEY

H. R. 400. COMMENDING MR. AND MRS. H. C. LOVVORN

H. J. R. 401. CONGRATULATING REPRESENTATIVE AND MRS.  
TOM DRAKE ON A NEW ADDITION TO THEIR FINE FAMILY.

H. J. R. 402. COMMENDING THE PITTMAN JUNIOR HIGH  
SCHOOL FOOTBALL TEAM.

S. J. R. 292. Commending the University of North Alabama Basket-  
ball Team.

S. J. R. 295. Commending Norman F. Ussery for meritorious serv-  
ice.

S. J. R. 296. Commending Morris Nelson, a dedicated Kiwanian.

S. J. R. 297. Mourning the death of James W. McDaniel.

S. J. R. 298. Commending the University of Alabama, Huntsville,  
Basketball Team.

S. J. R. 299. Commending the University of Alabama, Huntsville,  
Wind Ensemble.

On motion of Mr. Owens, the resolutions were adopted en masse.

#### RESOLUTIONS

The following resolutions introduced on the thirteenth legislative  
day were read by title pursuant to Joint Rule 11:

H. J. R. 361. COMMENDING THE MORGAN COUNTY VOLUN-  
TEER RURAL FIREFIGHTERS.

H. J. R. 365. HONORING MISS AMELIA JOHNSON FOR MERI-  
TORIOUS SERVICE TO THE TOWN OF ROBERTSDALE.

H. R. 366. COMMENDING MR. AND MRS. HARVEY OWENSBY

H. R. 367. COMMENDING MR. AND MRS. BILL BAILEY.

H. J. R. 368. COMMENDING MRS. BARBARA BRAGG FOR  
MERITORIOUS SERVICE

H. J. R. 371. MOURNING THE TRAGIC DEATH OF DAVID  
KLEIN

H. J. R. 374. MOURNING THE DEATH OF JUDGE W. J. HARAL-  
SON.

H. R. 375. COMMENDING MR. AND MRS. JOE MITCHUM

H. R. 376. COMMENDING THE LAKEVIEW FIRE AND RESCUE  
UNIT

S. J. R. 276. MOURNING THE DEATH OF AUBURN CIVIC  
LEADER, ROBERT N. HOIT.

S. J. R. 286. Congratulating Mrs. Elizabeth Whitmire.

S. J. R. 280. OFFERING GOOD WISHES FOR A SUCCESSFUL CAREER FOR DAVID A. NIHART.

On motion of Mr. Owens, the resolutions were adopted en masse.

#### RESOLUTIONS

The following resolutions were introduced:

By Messrs. Owens and McCorquodale:

H. J. R. 410. COMMENDING MR. JIM OAKLEY, JR., OUTSTANDING MEMBER OF ALABAMA'S NEWSPAPER INDUSTRY.

WHEREAS, at the 107th Annual Winter Convention of the Alabama Press Association, Mr. Jim Oakley, Jr., was duly recognized as an outstanding member of Alabama's newspaper industry; and

WHEREAS, Mr. Jim Oakley, Jr., has distinguished himself for the past several years as publisher and editor of the Centreville Press; and

WHEREAS, at the 107th Annual Winter Meeting of the Alabama Press Association, Mr. Jim Oakley, Jr., was elected Second Vice-President of the Alabama Press Association; and

WHEREAS, Mr. Jim Oakley, Jr., will serve the newspapers of Alabama as First Vice-President during the year 1978; and

WHEREAS, Mr. Jim Oakley, Jr., will succeed to the Presidency of the Alabama Press Association in the year 1979; and

WHEREAS, the newspaper industry of Alabama, represented by the 133 weekly and daily member newspapers of the Alabama Press Association, has seen fit to bestow upon Mr. Jim Oakley, Jr., the most prestigious position in its association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most enthusiastically congratulate Mr. Jim Oakley, Jr., for singular recognition by his peers, commend him for outstanding contributions in his field and direct that a copy of this resolution be presented to him as a token of our profound esteem.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 410, on the Clerk's desk for one legislative day.

Also:

By Messrs. Cross, Martin and Roberts:

H. J. R. 411. COMMENDING WEST MORGAN HIGH SCHOOL ON THEIR REGION 7, 2A BASKETBALL CHAMPIONSHIP

WHEREAS, the Alabama Legislature has noted that the West Morgan High School basketball team won the Region 7, 2A championship and also captured the Morgan County crown; and

WHEREAS, the Rebels ended the season with a 25-8 win-loss record with 12 out of their 20 regular season games played against 3A and 4A teams; this Trinity, Alabama team averaged 73 points per game to the 64-point per game average of their opponents; and

REGULAR SESSION  
15th Day

935

WHEREAS, under the able leadership of Head Coach Jimmy C. Randolph and Assistant Coach Ferrell Maples, this enthusiastic and talented team played each and every game in the spirit and tradition of good sportsmanship and fair play, reflecting their many hours of hard work and their dedication to the game; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we applaud the achievements of the West Morgan High School Rebels, congratulate them on their championship victories and direct that copies of this resolution be sent to Coach Randolph and his assistant, Coach Maples, and to Mr. Gary Johnson, principal, on behalf of the school.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 411, on the Clerk's desk for one legislative day.

Also:

By Messrs. Cross, Martin and Roberts:

H. J. R. 412. COMMENDING DANVILLE HIGH SCHOOL ON THEIR REGION 8, 1A BASKETBALL CHAMPIONSHIP

WHEREAS, The Danville High School Hawks captured the Region 8, 1A high school basketball championship; and

WHEREAS, this fine Morgan County 1A team achieved a 15-13 season record with 14 of their regular season games against 3A and 4A teams; they averaged 77.8 points per game to 74.1 points per game for their opponents, shooting 49 percent from the field and 75 percent from the foul line; and

WHEREAS, Head Coach Wayne Bowling and Assistant Coach Jerry Warren worked countless hours in helping to develop this winning team, and each player contributed greatly to his team's success while also exhibiting the admirable attributes of good sportsmanship and fair play; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend and heartily congratulate the Danville High School Hawks on winning the Region 8, 1A crown, and direct that copies of this resolution be sent to Mr. Truman Screws, principal of Danville High, to Coach Bowling and to Assistant Coach Jerry Warren.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 412, on the Clerk's desk for one legislative day.

Also:

By Mr. Rich:

H. R. 413. COMMENDING JOSEPH L. PANELL, STATE COMMANDER, VETERANS OF FOREIGN WARS.

WHEREAS; Joseph L. Panell, State Commander of the Veterans of Foreign Wars is truly an outstanding Alabamian and American; and

WHEREAS; he has served his home VFW post 8600 in Gadsden in an outstanding manner for two years (1971-72 and 1972-1973); and

WHEREAS; he has served this year as State Commander, a position of responsibility, dedication and high honor; and

WHEREAS; he has served for many years in various other aspects of VFW work and is recognized as one of the truly out-standing members of the VFW in America; and

WHEREAS; he was recognized for his outstanding service at a special Joe Panell day at VFW post 8600 on March 19, 1977.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, that we wholeheartedly congratulate and commend this great American on his outstanding accomplishment.

On motion of Mr. Rich, the rules were suspended and the resolution, H. R. 413, was adopted.

Also:

By Mr. Folmar:

H. J. R. 414. COMMENDING THE CHARLES HENDERSON HIGH SCHOOL DEBATE TEAM.

WHEREAS, in December 1976, in Mobile, Alabama, the Charles Henderson High School debate team won the qualifying tournament which enabled them to represent Alabama at the National Bicentennial debate held in Williamsburg, Virginia, on February 7, 1977; and

WHEREAS, two seniors, Rasch Brown and Richard Botts, are the two members of the Charles Henderson debate team who won the honor of so ably representing our state at this prestigious national tournament; and

WHEREAS, this Troy, Alabama, debate team, under the direction and tutelage of Mrs. Rhae Swisher, has progressed and performed remarkably as this is a relatively new program at Charles Henderson High, having been initiated just four short years ago and already is ranked as one of the top sixteen teams in the nation as a result of their eligibility to participate in the Octo Finals; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly commend the Charles Henderson High School Debate Team for outstanding achievement and for their participation in national competition in Williamsburg, Virginia.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Rasch Brown and Richard Botts, and to Mrs. Rhae Swisher on behalf of the team.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 414, on the Clerk's desk for one legislative day.

Also:

By Mr. Albright:

H. J. R. 415. CREATING A SELECT JOINT EDUCATIONAL STUDY COMMITTEE TO EVALUATE THE ALABAMA EXCEPTIONAL CHILD EDUCATION ACT.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint committee to be composed of three members of the House Education Committee and three members of the Senate Education Committee

REGULAR SESSION  
15th Day

937

to be appointed by the presiding officer of each house. The members of the committee shall elect from among their membership a chairman and vice chairman. The committee shall make an evaluation of Act No. 106, S. 13, 1971 Regular Session (Acts, 1971, p. 373) as amended, which is the Alabama Exceptional Child Education Act.

The committee shall have subpoena power and the power to punish for contempt of a committee of the Legislature.

Upon the request of the chairman, the secretary of the senate and the clerk of the house shall provide such clerical assistance as may be necessary for the committee's work.

The committee shall report its findings, conclusions and recommendations for implementation to the legislature at such date of the 1977 Regular Session so as to allow sufficient time to pass any suggested legislation, whereupon the committee shall be discharged and dissolved.

MOTION TO SUSPEND RULES AND ADOPT

Mr. Albright offered the motion to suspend the rules and adopt the resolution, H. J. R. 415.

DIVISION OF THE QUESTION

Mr. Owens called for the Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Mr. Albright to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 415, was lost.

Yeas 15; Nays 36.

*Yeas:*

Messrs.: Albright, Andrews, Brindley, Hall, Hopping, Howard, Johnson, Johnstone, Jolly, Leonard, Riddick, Smith (B), Smith (J), Starkey and Wyatt.

—15

*Nays:*

Mr. Speaker, Baker, Barron, Callahan, Carothers, Coburn, Cooper, Drake, Folmar, Holmes (A), Holmes (D), Jackson (F), Kinsey, Lewis, McMillan, Martin, Moore (O), Naramore, Owens, Pegues, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (M), Sonnier, Sparks, Turnham, Venable, Waggoner, Weeks, White, Williams and Younce.

—36

The resolution, H. J. R. 415, was read and referred to the Standing Committee on Rules.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Messrs. Williams and Sasser (With Notice and Proof):

H. 1107. To alter or rearrange the boundary lines of the City of Daleville, Dale County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits, and also certain other territory in Dale County, Alabama.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1107, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Ford and Rich (With Notice and Proof):

H. 1108. Relating to Etowah County, Alabama; levying a privilege license tax upon the sale, use or consumption, distributing of malt or brewed beverages within Etowah County, providing for the collection and distribution of the proceeds of said tax; providing for the administration of the Act; providing penalties for violations of the Act; repealing conflicting laws, including Act No. 78, Fourth Special Session 1975; providing that this Act be severable; and providing for the effective date hereof.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1108, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Ford and Rich:

H. 1109. Relating to counties with populations of not less than 90,000 nor more than 100,000; relating to county taxes on malt or brewed beverages; to provide penalties for violation of any local law levying such taxes within any county to which this Act applies; to provide that no municipality within any such county shall be empowered to levy or collect a tax on malt or brewed beverages in addition to the county-wide tax; and to repeal conflicting laws.

Local Legislation No. 1.

By Messrs. Whatley and Baker:

H. 1110. Relating to all counties having populations of not less than 42,000 nor more than 49,500 according to the 1970 or any subsequent federal decennial census; to provide for the holding of special advisory referendums to ascertain the sentiment of voters on public issues affecting any such county.

Local Legislation No. 1.

By Mr. Whatley:

H. 1111. Relating to all counties having populations of not less than 60,000 nor more than 65,000 according to the 1970 or any subsequent federal decennial census; to provide for the holding of special advisory referendums to ascertain the sentiment of voters on public issues affecting any such county.

Local Legislation No. 1.

By Messrs. Whatley and Baker (With Notice and Proof):

H. 1112. To repeal Act No. 17, H. 125, 1947 Regular Session (Local Acts of 1947, p. 19), as amended by Act No. 930, H. 1771, 1971 Regular



REGULAR SESSION  
15th Day

939

Session (Acts of 1971, p. 1689) said Act No. 17 being entitled "An Act To create a hospital commission for the City of Phenix City, Alabama, to provide its duties, powers and authority to operate hospitals and to provide a plan for hospitalization by collection of fees on a weekly or monthly basis from those desiring hospital service."

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1112, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Kinsey and McMillan:

H. 1113. To amend Sections II, III, IV and VIII of Act No. 276, S. 170 of the 1971 3rd Special Session [1971 Acts, p. 4544; appearing in Code of Alabama 1940, Recompiled 1958, Title 23, Section 64(17)], entitled "An Act Relating to highways; to control and regulate the erection and maintenance of outdoor advertising devices or signs on lands adjacent to the federal-aid primary system and the national system of interstate and defense highways in Alabama; to provide compensation for removal or relocation of advertising devices; to define terms; to issue permits and collect fees therefor; to provide for violations and penalties; authorizing the highway director to adopt rules and regulations to carry out the provisions of this act; to provide how this act may be cited; and to provide a severability clause," so as to provide for allowing the retention of directional signs, displays or devices providing directional information about goods and services in the interest of the traveling public upon petition, declaration or resolution from any state, county or municipal agency, or any industry association or any group of private business persons or their employees providing information that the removal of such directional signs, displays or devices would work a substantial economic hardship in specific or defined areas, the State Highway Department shall seek approval from the United States Secretary of Transportation to permit retention of such directional signs, displays and devices lawfully erected under state law in force at the time of their erection which do not conform to the requirements of the present state laws and where such signs, displays and devices are in existence on the effective date of this Act; and to provide that the State Highway Department shall adopt programs to assure that removal of directional signs, displays or devices providing directional information about goods and services in the interest of the traveling public be deferred until all other non-conforming signs on a state-wide basis are removed.

State Administration.

By Messrs. Coburn and Greer:

H. 1114. To make appropriations from the Special Educational Trust Fund to the University of North Alabama to be used for the purchase of land, library additions and for other improvements.

Ways and Means.

By Mr. Wyatt:

H. 1115. To provide a reciprocal agreement with certain states to exempt teacher retirement pay and contributions accruing therefrom from all state, county and municipal taxes, when earned in such states; it prescribes the requirements for such exemptions; and it authorizes the commissioner of revenue to formulate, issue and promulgate any reasonable rules and regulations necessary to implement the provisions of this act.

Ways and Means.

By Mr. Reed (With Notice and Proof):

H. 1116. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Tuskegee, in Macon County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1116, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Carter, Roberts, Moore (W), Martin and Drake:

H. 1117. To regulate further the hunting of migratory waterfowl; to provide for the issuance of migratory waterfowl stamps and for the collection of fees therefor; to provide for the procurement, development, restoration, maintenance, or preservation of wetlands for waterfowl habitat and for public waterfowl hunting areas; and to require the state department of conservation and natural resources to carry out the provisions of this act.

Conservation.

By Messrs. Barron, Harris, Lewis and Plaster:

H. 1118. To propose an amendment to the Constitution of Alabama with respect to the filling of vacancies in the judicial offices in the fifteenth judicial circuit.

Local Legislation No. 4.

The above bill was read a first time at length as required by the Constitution.

By Mr. Killian (With Notice and Proof):

H. 1119. To further amend Section 13 of Act 418, S. 358, approved November 13, 1959 (Acts 1959, p. 1107), which Act authorized the governing body of DeKalb County, Alabama to impose a certain gasoline excise tax within said county so as to provide further for the disposition of the proceeds from such tax.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1119, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Harris:

H. 1120. To amend further Code of Alabama, 1940, Title 51, Section 606, as amended, so as to reduce the privilege license tax levied against persons issuing or selling trading stamps.

Ways and Means.

By Mr. McCluskey:

H. 1121. Relating to counties having a population of not less than 10,660 nor more than 10,900 according to the 1970 or any subsequent federal decennial census; to provide for the payment of certain expenses for the Judge of Probate and Chief Clerk.

Local Legislation No. 1.

REGULAR SESSION  
15th Day

941

By Messrs. Killian, Manley, Lutz, Crowe, Callahan, Campbell, Quarles and Waggoner:

H. 1122. Providing that certain court officials and employees shall have the option to elect not to participate in certain retirement systems and supernumerary systems heretofore provided for by law for such officials and employees.

Judiciary.

By Messrs. Kinsey and McMillan:

H. 1123. To require property coming into the possession of the State of Alabama, any political subdivision thereof or any municipality by reason of the United States Surplus Property Act of 1944 for public airport purposes to be used in conformity with the stipulations in the deed or grant thereof from the United States; and to repeal Act No. 1186, H. 1278, 1975 Regular Session and all other laws and parts of laws in conflict herewith.

State Administration.

By Messrs. Carothers, Crawford and Smith (J):

H. 1124. Relating to all counties having populations of not less than 56,500 nor more than 59,000 inhabitants according to the 1970 or any subsequent federal decennial census; authorizing the county board of education of any such county to spend public funds to provide office furniture and office equipment and the necessary repair of said office furniture and office equipment as required by the county superintendent of education and his assistants.

Local Legislation No. 1.

By Messrs. Crawford, Carothers, Whatley, Baker, Turnham, Reed, Edwards, Lockett, Sasser, Manley, Folmar, Shelton, Holmes (D), Roberts, Crowe, White, Rich, Johnson, Lee, Boles, Lutz, Gregg, Greer, Goodwin, McNees, McNair, Smith (M), Jackson (F), Wyatt, Harris, Holmes (A), Lewis and Smith (J):

H. 1125. To amend further Sections 1, 2 and 3 of Act No. 47, H. 29, Regular Session 1951, (Acts 1951, p. 259) as last amended which relate to the educational benefits for dependents of prisoners of war so as to increase such benefits.

Ways and Means.

By Mr. Crowe:

H. 1126. Relating to counties having a population of not less than 16,600 nor more than 16,950 inhabitants according to the 1970 or any subsequent federal decennial census; to authorize the creation of the office of deputy coroner and prescribe the duties and compensation of said office.

Local Legislation No. 1.

By Mr. Crowe:

H. 1127. Relating to counties having a population of not less than 55,500 nor more than 56,500 according to the 1970 or any subsequent federal decennial census, to authorize the jury commission to set the salary of its employees.

Local Legislation No. 1.

By Mr. Turnham:

H. 1128. To make an appropriation to the state department of education for expenses of Alabama members attending compact for education meetings.

Ways and Means.

By Messrs. White, Pegues, Shoemaker, Shelton, Campbell, Crawford, Kennedy, Falkenburg, Morris, Clark, Owens, Gafford, Armstrong, Callahan, Sonnier and Holmes (D):

H. 1129. To amend Title 51, Section 188 (9), Code of Alabama 1940, Recompiled relative to the disposition of the utility licenses.

Ways and Means.

By Messrs. White, Falkenburg, Armstrong, Sasser, Merrill, Shoemaker, Pegues, Moore (O), Carter, Younce, Carothers, Greer, Holmes (D), McNair, Roberts, Martin, Starkey, Brindley, Robertson, Hines, Sparks, Trammell, Morris and Biddle:

H. 1130. To amend the Title and Sections 401, 402, 403, 404, 407, 504, 505 and 506 of Act No. 1407, S. 414 of the 1971 Regular Session, as amended, [1971 Acts, p. 2378; appearing in Code of Alabama, 1940, Recompiled 1958, Title 22, Section 258(25)] entitled, "An Act To provide a Uniform Alabama Controlled Substances Act for preventing drug abuse and drug dependence, to standardize all laws in this state to be in conformity with the new Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, and to repeal existing state statutes in conflict," so as to prescribe different penalties for different violations of the Alabama Uniform Controlled Substances Act; to provide that it shall be unlawful to manufacture, produce, prepare, propagate, compound, synthesize or process a drug or other substance which yields a substance, the possession, sale or distribution or transfer of which would be an act in violation of the Alabama Uniform Controlled Substances Act, except as to authorized registrants; to provide for forfeitures, seizures, and searches and seizures; to further provide for rules and regulations pertaining to administering, dispensing, and prescribing of controlled substances by practitioners; to provide for Section 506 relating to suspension of sentence and probation; and to provide for joinder of offenses and defendants.

Health.

By Messrs. Drake and Sparks (With Notice and Proof):

H. 1131. Relating to Cullman County; to provide for the office of the sheriff a system governing the appointment, removal, tenure, and official conduct of employees of the sheriff of said county, and to create a board of appeals; prescribing the authority and qualifications, terms, duties and compensation of members of the board; and repealing any laws in conflict herewith.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1131, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Hines:

H. 1132. To indemnify the Commissioner of the Board of Corrections, Deputy Commissioners, members of the Board of Corrections, and other officers, employees and agents of the Board of Corrections, for acts arising out of and performed in connection with their official duties in behalf of the State of Alabama.

Ways and Means.

By Mr. McCulley (With Notice and Proof):

H. 1133. Relating to Washington County Board of Registrars; providing further for the times they shall meet and the compensation there-

**REGULAR SESSION**  
**15th Day**

943

for; and providing that all per diem and expenses shall be paid in the same manner and from the same funds as now provided by law.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1133, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Naramore, Waggoner, Weeks, Crawford, Folmar, Plaster, Hines, Callahan, Crowe, Coburn and McCorquodale:

H. 1134. To provide for a pay increase for sworn law enforcement officers with full peace officer authority in the service of the state, and to appropriate necessary funds.

Ways and Means.

By Messrs. Venable and Plaster (With Notice and Proof):

H. 1135. Relating to Elmore County; to provide for the compensation and expense allowance for the county superintendent of education, and to provide for the effective date.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1135, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

**RESOLUTIONS**

The following resolutions were introduced:

By Messrs. Gregg, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, McCorquodale, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce:

H. J. R. 416. MOURNING THE DEATH OF MRS. GRAY B. LUTZ

WHEREAS, the Legislature of Alabama was deeply saddened to learn of the death of Mrs. Gray B. Lutz on Tuesday March 22, 1977 in Huntsville, Alabama at the age of 71; and

WHEREAS, Mrs. Lutz, the Mother of our esteemed colleague in the House, Representative Hartwell Lutz, was a lifelong resident of Huntsville, a highly respected and beloved member of her community who will be deeply missed and remembered long with love by her family, her many friends and by all those whose lives she touched; and

WHEREAS, she was an actively involved member of the First Presbyterian Church of Huntsville, giving generously of her time in devoted service to her church and to the civic and charitable affairs of her community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do deeply regret and grievously mourn the death of Mrs. Gray B. Lutz and direct that a copy of this resolution be presented to our friend, Hartwell Lutz, as evidence that we share in his great loss.

On motion of Mr. Gregg, the rules were suspended and the resolution, H. J. R. 416, was adopted.

Also:

By Messrs. Johnson, Robertson and Lee:

H. J. R. 417. HONORING COACH C. M. NEWTON OF THE UNIVERSITY OF ALABAMA.

WHEREAS, the Legislature of Alabama recognizes that C. M. Newton, head basketball coach at the University of Alabama, is the man responsible for the Crimson Tide's phenomenal rise to national prominence, and if "All experience is an arch to build upon," Coach Newton began with an abundance of experience and talent, added perserverence and brilliance to produce teams that, undeniably, have put Alabama basketball in the spotlight as one of the top teams in the nation; and

WHEREAS, under Coach Newton, the University of Alabama can boast of a 114-28 record over the past five years; he led Alabama to a school record 25 victories in 1976-77, to its third national tournament berth and its fourth invitational in five years; and

WHEREAS, this year he was a charter inductee into the Sports Hall of Fame in his hometown of Fort Lauderdale, Florida; he has been selected to coach the South team in the prestigious Aloha Classic in Honolulu, Hawaii this Spring, and will conduct basketball camps for young people around the state for the sixth straight year in a row; and

WHEREAS, Coach Newton also has been a lecturer and clinician for numerous basketball associations and for the United States Department of State, both in the United States and in other countries; and

WHEREAS, in addition to his arduous and time-consuming responsibilities as Alabama's head basketball coach, he has further extended his activities and involvements to include serving as chairman of recruiting for the Black Warrior Council, Boy Scouts of America, and is active also in numerous civic affairs throughout the state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly commend Coach C. M. Newton for excellence and for his dedicated interest in the young athletes of our state and nation; we are aware, and appreciate, that he has given the University of Alabama one of the most respected and most successful basketball programs in the country, and, as a token of our high esteem, direct that Coach Newton be presented with a copy of this resolution.

On motion of Mr. Johnson, the rules were suspended and the resolution, H. J. R. 417, was adopted.

Also:

By Messrs. Johnson, Robertson and Lee:

H. J. R. 418. COMMENDING THE UNIVERSITY OF ALABAMA BASKETBALL TEAM FOR AN OUTSTANDING SEASON.

WHEREAS, the University of Alabama basketball team won a school record 25 games in 1976-77 to become the fifth straight Alabama team to win 22 or more games in a season, thus ranking the Crimson Tide among only a handful of teams in the nation in this category; and

WHEREAS, they won the prestigious Dayton Invitational for the second time in Alabama basketball history and also won the Carolina Classic, becoming the first team in Crimson Tide history to win two tournaments in one season; and

WHEREAS, this talented team earned a berth in the nation's oldest national basketball tournament, the National Invitation Tournament, in New York's Madison Square Garden and reached the semifinals for the second time in Alabama's history; it was the third consecutive year, and fourth in five years, for them to be invited to a post-season national basketball tournament; and

WHEREAS, each member of the team, both offense and defense, played the entire season with skill and brilliance; and individually, senior Ricky Brown received honorable mention for All- SEC, and senior T. R. Dunn and Sophomore Reggie King made the All-Southeastern Conference first team with Dunn also being named the Conference's best defensive player by a special vote of the captains of the SEC teams; and

WHEREAS, for the fifth straight year, the Crimson Tide had a starting lineup made up entirely of players from the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly commend, praise and applaud the University of Alabama's Crimson Tide for their outstanding season, and for the fame, honor and glory they have brought to our state in prestigious national competition and tournament championships.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to Head Coach C. M. Newton and his capable staff, and to each member of the team.

On motion of Mr. Johnson, the rules were suspended and the resolution, H. J. R. 418, was adopted.

Also:

By Mr. Smith (M):

H. R. 419. Commending Mr. & Mrs. J. Loyd Parker

WHEREAS, Mr. and Mrs. J. Parker were legally joined together in holy matrimony; and

WHEREAS, they have remained in said holy state for over one-half century; and

WHEREAS, they have honored their marriage vows of so long ago and kept each other in sickness and in health; and

WHEREAS, they have loved and honored each other above all other people and defended each other against all things injurious; and

WHEREAS, they have been exemplary citizens of this County and have set an enviable example for posterity to follow:

NOW, THEREFORE, BE IT RESOLVED, that the Alabama House of Representatives does hereby acknowledge the sublime example set by Mr. and Mrs. J. Parker over the last one-half century; and

BE IT FURTHER RESOLVED, that the State of Alabama does on this occasion take time to gratefully thank Mr. and Mrs. J. Parker for all their enduring efforts to make this world a better place to live; and

BE IT EVEN FURTHER RESOLVED, that the date of the consummation of their marriage be hereafter and forevermore celebrated as Mr. and Mrs. J. Parker Memorial Day. Also be it resolved, that a copy of this resolution be sent to Mr. and Mrs. J. Parker.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 419, on the Clerk's desk for one legislative day.

Also:

By Mr. Smith (M):

H. R. 420. Commending Mr. & Mrs. Vernon F. Tobin

WHEREAS, Mr. and Mrs. Vernon Tobin were legally joined together in holy matrimony; and

WHEREAS, they have remained in said holy state for over twenty-five years; and

WHEREAS, they have honored their marriage vows of so long ago and kept each other in sickness and in health; and

WHEREAS, they have loved and honored each other above all other people and defended each other against all things injurious; and

WHEREAS, they have been exemplary citizens of this County and have set an enviable example for posterity to follow:

NOW, THEREFORE, BE IT RESOLVED, that the Alabama House of Representatives does hereby acknowledge the sublime example set by Mr. and Mrs. Vernon Tobin over the last one-half century; and

BE IT FURTHER RESOLVED, that the State of Alabama does on this occasion take time to gratefully thank Mr. and Mrs. Vernon Tobin for all their enduring efforts to make this world a better place to live; and

BE IT EVEN FURTHER RESOLVED, that the date of the consummation of their marriage be hereafter and forevermore celebrated as Mr. and Mrs. Vernon Tobin Memorial Day. Also be it resolved, that a copy of this resolution be sent to Mr. and Mrs. Vernon Tobin.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 420, on the Clerk's desk for one legislative day.

Also:

By Mr. Smith (M):

H. R. 421. IN PRAISE AND COMMENDATION OF THE RANDOLPH COUNTY RESCUE SQUAD.



REGULAR SESSION  
15th Day

947

WHEREAS, the Randolph County Rescue Squad is composed of 29 dedicated men and women who actively serve their county and its citizens with rescue work on a volunteer basis, answering emergency calls both day and night, and also offering multi-media first-aid courses to all those interested; and

WHEREAS, this fine volunteer organization is performing an essential service responsive to the needs of their fellow citizens, contributing generously of their time and effort with dedicated devotion to duty; now therefore,

BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That we highly praise the Randolph County Rescue Squad for commendable service to their county and direct that a copy of this resolution be sent to each member of the squad that they may know of our esteem.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 421, on the Clerk's desk for one legislative day.

SPECIAL ORDER

The House then proceeded with the consideration of the Special Order Calendar:

And the bill:

H. 845. Relating to counties having populations of not less than 10,660 nor more than 10,900 inhabitants according to the 1970 or any subsequent federal decennial census; providing further for the regular meeting date of the county commission in any such county.

Which was temporarily postponed on the thirteenth legislative day, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Brindley, Buskey, Campbell, Coburn, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Gregg, Hall, Harris, Holmes (D), Jackson (F), Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Narmore, Owens, Plaster, Quarles, Roberts, Sasser, Shelton, Shoemaker, Smith (M), Sonnier, Starkey, Trammell, Turnham, Venable, Warren, Weeks, Whatley, Williams and Wyatt.

—58

H. 254 TEMPORARILY POSTPONED

On motion of Mr. Biddle, the bill, H. 254 with pending amendment, was temporarily postponed.

H. 444 TEMPORARILY POSTPONED

On motion of Mr. Biddle, the bill, H. 444, was temporarily postponed.

Yeas 18; Nays 6.

Yeas:

Messrs.: Armstrong, Biddle, Callahan, Falkenburg, Gafford, Hines, Johnstone, Kelley, Lee, Lewis, McCulley, Merrill, Moore (O), Quarles, Trammell, Tucker, Warren and White.

—18

*Nays:*

Messrs.: Albright, Harrison, Hilliard, Hopping, Leonard and McNair.

—6

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### H. 462 TEMPORARILY POSTPONED

On motion of Mr. Biddle, the bill, H. 462, was temporarily postponed.

Yeas 8; Nays 6.

*Yeas:*

Messrs.: Biddle, Falkenburg, Gafford, Moore (O), Quarles, Trammell, Waggoner and White.

—8

*Nays:*

Messrs.: Hall, Harrison, Hopping, Jolly, Leonard and McNair.

—6

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### H. 499 TEMPORARILY POSTPONED

On motion of Mr. Biddle, the bill, H. 499, was temporarily postponed.

#### H. 923 TEMPORARILY POSTPONED

On motion of Mr. Biddle, the bill, H. 923, was temporarily postponed.

#### MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Biddle to suspend the rules in order to take up out of order the bill, H. 941, was lost, lacking a four-fifths vote.

Yeas 10; Nays 6.

*Yeas:*

Messrs.: Andrews, Armstrong, Biddle, Boles, Falkenburg, Gafford, Moore (O), Trammell, Waggoner and White.

—10

*Nays:*

Messrs. Harrison, Hilliard, Hopping, Howard, Jackson (R) and McNair.

—6

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 723. (With Amendments): Proposing an amendment to the Constitution of Alabama authorizing Mobile County to build and operate a county penal facility and to issue bonds and levy a tax to finance the facility.

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend Section 2 of H. B. 723 by adding immediately before the period on line 5, page 4, the following:

"; provided, however, that this constitutional amendment shall not become effective unless and until it has been approved by a majority of the votes cast by qualified voters of Mobile County in such election"

And the amendment was adopted.

Yeas 50; Nays 1.

Yeas:

Mr. Speaker, Albright, Baker, Brindley, Buskey, Callahan, Carter, Crowe, Falkenburg, Folmar, Gafford, Goodwin, Greer, Hall, Hill, Hilliard, Holmes (D), Jackson (R), Johnstone, Jolly, Kennedy, Killian, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Moore (O), Moore (W), Owens, Quarles, Roberts, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (J), Smith (M), Sparks, Trammell, Turnham, Venable, Weeks, White and Younce.

—50

Nay: Mr. Sonnier.

—1

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend Section 1 of H. B. 723 by adding after the period on line 31, page 3, the following:

"The Sheriff of Mobile County shall be vested with the authority to refuse to receive for incarceration in the county penal facility any prisoners convicted in any court or courts located in any county or counties other than Mobile; and, in the event said Sheriff agrees to receive any such prisoners, he shall have the authority to require compensation therefor from such other counties and to set the amount thereof."

And the amendment was adopted.

Yeas 50; Nays 1.

Yeas:

Mr. Speaker, Albright, Baker, Brindley, Buskey, Callahan, Carter, Crawford, Cross, Crowe, Folmar, Gafford, Goodwin, Hall, Hill, Hilliard, Holmes

(D), Johnstone, Jolly, Kennedy, Killian, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Moore (O), Moore (W), Owens, Quarles, Roberts, Sasser, Shelton, Shoemaker, Smith (B), Smith (M), Sparks, Trammell, Turnham, Waggoner, Weeks, Whatley, White, Williams, Wyatt and Younce.

—50

*Nay:* Mr. Sonnier.

—1

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 723 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 1.

*Yeas:*

Mr. Speaker, Albright, Andrews, Baker, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Coburn, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Gregg, Hall, Harris, Hill, Hilliard, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Shoemaker, Smith (B), Smith (M), Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—81

*Nay:* Mr. Sonnier.

—1

And the bill:

H. 81. To amend further Section 18 of Act No. 2431, H. 2569, Regular Session 1971 (Acts 1971, p. 3880 et. seq.), which relates to dog racing and wagering thereon in certain counties based on a population basis, so as to provide further for the distribution of the revenues received under said Act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 2.

*Yeas:*

Mr. Speaker, Albright, Baker, Buskey, Callahan, Campbell, Carter, Coburn, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Hill, Hilliard, Holmes (D), Johnson, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Plaster, Rich, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (M), Sonnier, Starkey, Turnham, Venable, Waggoner, Weeks, Whatley, White and Younce.

—55

*Nays:* Messrs. Jackson (R) and Trammell.

—2

REGULAR SESSION  
15th Day

951

And the bill:

H. 82. To provide that all municipalities located in any county of the state having a population of more than 300,000 and less than 600,000, according to the 1970 or any subsequent federal decennial census, shall have authority, after notice as herein provided, to remove and demolish buildings and structures, parts of buildings and structures, party walls and foundations when the same are found by the governing body of such municipality to be unsafe to the extent of being a public nuisance; to provide for a hearing by the governing body if requested; to provide that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building or structure was located and that such assessment shall constitute a lien on said property; and to provide a method of collecting such assessments.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Baker, Boles, Buskey, Callahan, Campbell, Carothers, Carter, Cross, Crowe, Drake, Falkenburg, Folmar, Gafford, Goodwin, Greer, Hall, Harris, Hill, Hilliard, Hines, Holmes (D), Jackson (F), Johnstone, Jolly, Kennedy, Killian, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Rich, Roberts, Sandusky, Shelton, Shoemaker, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Weeks, Whatley, White and Younce.

—59

And the bill:

H. 923. To apply to every county of the State having a population of 500,000 or more according to the last or any subsequent Federal census; to empower the governing body of any such county to require the officer or department of the county issuing license tags or plates pursuant to Act No. 524 of the Regular Session of the Legislature of 1975 (Ala. Acts, 1975, pp. 1177-1178) to charge and collect a fee, not exceeding One Dollar (\$1.00), to cover the expense of issuing by mail the tabs, disks or other devices said Act No. 524 provides shall constitute evidence of payment of the license fee for the fiscal year indicated on such tab, disk or other device; to provide that such officer or department shall pay into the county treasury and fees collected under the Act; and to repeal all laws, whether general, special or local, in conflict herewith to the extent of any such conflict.

Which, previously, was temporarily postponed, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 41; Nays 4.

Yeas:

Messrs.: Andrews, Armstrong, Biddle, Boles, Buskey, Campbell, Carothers, Carter, Cross, Drake, Falkenburg, Gafford, Goodwin, Greer, Hall, Hopping, Howard, Johnstone, Kennedy, Lutz, McCluskey, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Pegues, Roberts, Sasser, Shelton, Shoemaker, Smith (B), Smith (M), Trammell, Turnham, Waggoner, White, Williams and Wyatt.

—41

Nays: Messrs.: Albright, Jackson (R), Leonard, McNair.

—4

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 444. To amend Section 22 of Act No. 248 of the Legislature of Alabama of 1945 (General Acts of 1945, pages 376-400) establishing a county wide civil service system for counties with a population of 400,000 or more, as amended by Act No. 562, approved October 9, 1947 (General Acts of Legislature of Alabama, 1947, page 398), by Act No. 670, approved September 16, 1953 (Acts of Legislature of Alabama, Regular Session, 1953, page 927), and by Act No. 1600, approved September 17, 1971 (Acts of Legislature of Alabama Regular Session, 1971, page 2754).

Which, previously, was temporarily postponed, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 1.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Biddle, Brindley, Carothers, Carter, Crawford, Cross, Crowe, Drake, Falkenburg, Gafford, Goodwin, Greer, Hall, Harris, Harrison, Hill, Hines, Hopping, Howard, Jolly, Kennedy, Killian, Leonard, Lewis, Lutz, McCluskey, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Pegues, Porter, Roberts, Sasser, Shoemaker, Smith (B), Smith (M), Sparks, Trammell, Turnham, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—52

Nay: Mr. Campbell.

—1

And the bill:

H. 555. To prohibit the sale, the offering for sale or the use of steel leg-hold traps designed for capturing wild animals in any county having a population of not less than 50,000 nor more than 52,500 inhabitants according to the 1970 or any subsequent federal decennial census; and to prescribe penalties for violation.

Which was postponed on the eleventh legislative day, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 1.

Yeas:

Mr. Speaker, Carothers, Carter, Coburn, Crowe, Drake, Falkenburg, Gafford, Goodwin, Greer, Hall, Harris, Hill, Holley, Holmes (D), Jackson (F), Johnstone, Jolly, Kennedy, Killian, Lewis, Lutz, McCluskey, McCulley, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Quarles, Rich, Roberts, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Turnham, Waggoner, Whatley, White and Wyatt.

—52

Nay: Mr. Albright.

—1

REGULAR SESSION  
15th Day

953

And the bill:

H. 499. (With Substitute): To amend Section 12 of Act No. 248 of the Regular Session of the Legislature of Alabama of 1945 (General Acts of Alabama, Regular Session 1945, p. 376, et seq.), to provide for a Pay Plan whereby Merit System Employees may receive Salary increases.

Which, previously, was temporarily postponed, was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 2, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 12 of Act No. 248 of the Regular Session of the Legislature of Alabama of 1945 (General Acts of Alabama, Regular Session 1945, p. 376, et seq.), to provide for a Pay Plan whereby Merit System Employees may receive Salary increases.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 12 of Act No. 248 of the Legislature of Alabama of 1945, as heretofore amended, by Section 656 to be and said Section is hereby further amended to read as follows:

Section 12. Pay Plan: The Direction of Personnel shall \*\*\*\* Establish after consultation or offer of consultation with the governing bodies affected, a salary schedule for all positions which shall contain a minimum rate, a maximum rate and such intermediate rates as are deemed necessary by the Personnel Board, which shall become effective within thirty days after submission to the governing body concerned, provided that the governing body of each county and municipality affected hereby may raise or lower such schedule by applying the same percentage increase or decrease, or flat sum of increase or decrease, or any combination thereof, to each position in the entire schedule; provided, however, no governing body shall raise such entire schedule within twelve months immediately preceding any primary or general election in which the members of the said governing body are to be elected, except upon the approval of the Personnel Board, provided further that any office or position created by an act of the legislature or by a municipality or county authority, subsequent to the passage of that certain act of the legislature, Act No. 248, approved July 6, 1945, (General Acts of Alabama, regular session 1945, page 376) 'Sections 645 and 672 of this subdivision', the personnel director shall survey the duties and responsibilities of such office or position, and submit his findings to the Personnel Board, and the salary for such office or position shall be fixed by the Personnel Board. Provided, further that the Personnel Board shall advise the governing body of the county or municipality of the salary fixed for such office or position. Changes in the salary schedule of one class or a number of classes less than all may also be made by order or resolution of a governing body as follows: A certified copy of such order or resolution shall be filed with the Personnel Board, and unless the said resolution or order be disapproved by said Personnel Board within thirty days after the date of filing of such certified copy the same shall be valid and operative according to its terms. If, however, said Personnel Board should disapprove such resolution affecting less than all classes within such thirty days, such resolution shall be invalid and of no legal effect. Provided, by proper

rules, regulations, and orders for the advancement of salary within each class or grade on the basis of efficiency and length of service. It shall be unlawful for an appointing authority or disbursing officer to pay or cause to be paid a salary to any employee greater than or less than the salary to which such employee is entitled to so receive. Such salary schedules, classes and grades may from time to time be amended, added to, consolidated or abolished by the Board.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 55; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Baker, Buskey, Carothers, Carter, Crawford, Crowe, Falkenburg, Gafford, Greer, Hall, Harris, Harrison, Holley, Holmes (D), Hopping, Howard, Johnstone, Jolly, Kennedy, Killian, Leonard, Lewis, Lutz, McCluskey, McNair, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Quarles, Rich, Roberts, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Starkey, Trammell, Turnham, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—55

And the bill:

H. 499. To amend Section 12 of Act No. 248 of the Regular Session of the Legislature of Alabama of 1945 (General Acts of Alabama, Regular Session 1945, p. 376, et. seq.), to provide for a Pay Plan whereby Merit System Employees may receive Salary increases.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Baker, Buskey, Carothers, Carter, Crawford, Crowe, Falkenburg, Gafford, Greer, Hall, Harris, Harrison, Holley, Holmes (D), Hopping, Howard, Johnstone, Jolly, Kennedy, Leonard, Lewis, Lutz, McCluskey, McCulley, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Tucker, Turnham, Waggoner, Warren, Weeks, Whatley and Wyatt.

—60

And the bill:

H. 1022. To amend Act No. 826 adopted at the 1973 Regular Session of the Legislature of Alabama so as to provide that the cost of an improvement shall include expenses necessary for the financing thereof, including fiscal advisory services; to provide that any temporary note may run for a period of one year or until six months after the date on which it is estimated assessments will be made final, whichever shall be the longer period; to provide that in certain circumstances bonds



issued thereunder may be payable in annual installments, the first installment of principal of which shall be no later than eighteen months after the date on which assessments are estimated to be made final and that principal maturities on such bonds may be so fixed that no installment of principal and interest coming due on such bonds in any calendar year after the year of the first principal maturity is more than \$5,000 greater than the installments of principal and interest coming due in any subsequent year during which such bonds will be outstanding; to provide that any bonds issued thereunder may be sold at either public or private sale; to provide for the severability of the provisions of this act; and to provide for the effective date of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

*Yeas:*

Mr. Speaker, Armstrong, Biddle, Boles, Brindley, Callahan, Carothers, Carter, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Falkenburg, Gafford, Goodwin, Harris, Hines, Holmes (D), Hopping, Johnson, Johnstone, Jolly, Kennedy, Killian, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Turnham, Waggoner, Warren, Weeks and Younce.

—63

And the bill:

H. 462. To authorize any municipality having two hundred fifty thousand inhabitants or more according to the last or any subsequent federal census to sell and regulate the sale of stolen, abandoned, lost or unclaimed personal property.

Which previously, was temporarily postponed, was taken up.

#### MOTION TO SUSPEND RULES

Mr. Gafford offered the motion to suspend the rules in order to take up out of order the bill, H. 941.

#### MOTION TO TABLE LOST

The motion offered by Mr. Hilliard to table the motion offered by Mr. Gafford, was lost.

Yeas 9; Nays 10.

*Yeas:*

Messrs.: Harrison, Hilliard, Howard, Jackson (R), Jolly, Leonard, McNair, Mitchem and Porter.

—9

*Nays:*

Messrs.: Armstrong, Biddle, Boles, Falkenburg, Gafford, Hall, Moore (O), Trammell, Waggoner and White.

—10

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

## MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Mr. Gafford to suspend the rules in order to take up out of order the bill, H. 941, and the motion was lost, lacking a four-fifths vote.

Yeas 13; Nays 10.

Yeas:

Messrs.: Andrews, Armstrong, Biddle, Boles, Falkenburg, Gafford, Hall, Jolly, Mitchem, Moore (O), Trammell, Waggoner and White.

—13

Nays:

Messrs.: Harrison, Hilliard, Hopping, Howard, Jackson (R), Leonard, McNair, Porter, Quarles and Tucker.

—10

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 215. (With Amendment): To regulate the issuance and execution of search warrants in connection with the enforcement in all counties having populations of not less than 300,000 nor more than 600,000, according to the most recent federal decennial census, of laws relative to narcotics and controlled substances; authorizing the execution of such warrants at any time of day or night.

Was taken up.

## H. 215 POSTPONED

On motion of Mr. Callahan, the bill, H. 215 with pending amendment, was postponed to the sixteenth legislative day.

And the bill:

H. 283. To amend Sections 2, 3, 4 and 6 of Act No. 248, 1947 Regular Session (Local Acts of 1947, p. 172), entitled "An Act To authorize and provide for the establishment, maintenance, operation and financing of a Public Law Library in Mobile County, Alabama; to authorize the governing body of said County to expend public funds under its control therefor; to provide for the taxing and collecting of additional court costs in certain Courts in said County for such purpose and for the expenditure thereof; to designate the officers to accomplish said purpose and to define the powers and duties of such officers with respect thereto, and the designation of personnel to operate said Library, or to assist therein, and the employment of additional personnel for said purpose, and the payment of the salaries of such personnel," so as to provide further for the financing of such law library and to provide for court costs to be imposed within the structure of the state courts of the unified judicial system established and implemented by Act No. 1205, S. 400 of the 1975 Regular Session.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Buskey, Callahan, Campbell, Carothers, Carter, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg,

REGULAR SESSION  
15th Day

957

Gafford, Goodwin, Greer, Hall, Harris, Hilliard, Holmes (A), Holmes (D), Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Roberts, Sandusky, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Trammell, Tucker, Turnham, Waggoner, Warren, Weeks, Whatley, White, Williams and Younce.

—67

And the bill:

H. 395. Relating to all counties having populations of not less than 300,000 nor more than 600,000 according to the 1970 or any subsequent federal decennial census; to provide for an additional expense allowance for the members of the county board of school commissioners.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Hilliard, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Porter, Quarles, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Trammell, Tucker, Venable, Waggoner, Weeks, Whatley, White, Williams and Younce.

—68

And the bill:

H. 463. Relating to Mobile County; to provide for and require an election before any of the unincorporated areas of Tillman's Corner or Theodore may be annexed to the City of Mobile.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 69; Nays 1.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Hilliard, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Plaster, Porter, Quarles, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Trammell, Tucker, Waggoner, Weeks, Whatley, White, Williams and Younce.

—69

Nay: Mr. Callahan.

—1

And the bill:

H. 536. (With Substitute): Relating to counties having a population of not less than 300,000 nor more than 500,000 inhabitants; authorizing

the serving, buying, sale and drinking of alcoholic and malt or brewed beverage until 2 a.m. on Sunday.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 3, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to counties having a population of not less than 300,000 nor more than 500,000 inhabitants according to the most recent federal decennial census, authorizing the serving, buying, sale and drinking of alcoholic and malt or brewed beverage until 2 a.m. on Sunday.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person who gives away, sells, serves, buys, or drinks any alcoholic or malt or brewed beverage in any cafe, lunchroom, restaurant, hotel dining room, or other public place in counties having a population of not less than 300,000 nor more than 500,000 inhabitants according to the most recent federal decennial census, after 2 a.m. on Sunday is guilty of a misdemeanor, and upon conviction shall be fined not less than ten nor more than one hundred dollars and may also be imprisoned in the county jail, or sentenced to hard labor for the county for not more than three months.

The proprietor, keeper, or operator of any cafe, lunchroom, restaurant, hotel dining room, or other public place who knowingly permits any person to give away, sell, serve, or drink any alcoholic or malt or brewed beverage on the premises of such cafe, lunchroom, restaurant, hotel dining room or other public place in counties having a population of not less than 300,000 nor more than 500,000 inhabitants according to the most recent federal decennial census after 2 a.m. on Sunday is guilty of a misdemeanor and upon conviction shall be fined not less than ten nor more than one hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than three months.

Section 2. Effective July 1, 1977, Act No. 102, S. 115 1949 Regular Session, effective June 17, 1949, (now appearing in the Code of Alabama, Recompiled 1958, Title 29 §§ 36 (1) as heretofore amended is hereby repealed for counties having a population of not less than 300,000 nor more than 500,000 inhabitants according to the most recent federal decennial census. All other laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of this Act is declared to be invalid or unconstitutional such declaration shall not affect the part which remains.

Section 4. The provision of this Act relative to counties having a population of not less than 300,000 nor more than 500,000 inhabitants according to the most recent federal decennial census shall become effective July 1, 1977 upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

**REGULAR SESSION**  
**15th Day**

959

Yeas 47; Nays 2.

**Yeas:**

Mr. Speaker, Albright, Brindley, Buskey, Campbell, Carothers, Crawford, Cross, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Harris, Hilliard, Holmes (D), Jackson (F), Jolly, Kelley, Kennedy, Kinsey, Lewis, Lockett, Lutz, McCluskey, McMillan, McNeese, Manley, Martin, Merrill, Owens, Pegues, Plaster, Rich, Roberts, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Waggoner, Warren, Weeks and Whatley.

—47

**Nays:** Messrs.: Carter and Drake.

—2

**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 536. Relating to counties having a population of not less than 300,000 nor more than 500,000 inhabitants according to the most recent federal decennial census, authorizing the serving, buying, sale and drinking of alcoholic and malt or brewed beverage until 2 a.m. on Sunday.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 35; Nays 8.

**Yeas:**

Mr. Speaker, Albright, Buskey, Carothers, Crawford, Cross, Falkenburg, Folmar, Ford, Gafford, Hilliard, Hines, Holmes (A), Holmes (D), Jackson (F), Jolly, Kennedy, Lewis, Lutz, McMillan, McNeese, Manley, Martin, Owens, Plaster, Rich, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Tucker, Waggoner, Weeks, Whatley.

—35

**Nays:**

Messrs.: Brindley, Crowe, Dial, Drake, Kinsey, Quarles, Smith (C), and Sparks.

—8

**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 548. Relating to Mobile County, to amend Section 1 of Act No. 87, H. 270 Regular Session 1955, an Act relating to Mobile County and regulating the office of the Judge of Probate of said County (Acts 1955 Vol. 1, page 335) as last amended by an Act approved September 12, 1969, (Acts 1969, Vol. III, page 1988).

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 1.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Crawford, Cross, Crowe, Drake, Falkenburg, Ford, Gafford, Goodwin, Greer, Hall, Harris, Hilliard, Hines, Holmes (A), Holmes (D), Jackson (F), Johnstone, Jolly, Kelley, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Owens, Pegues, Plaster, Rich, Sandusky, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Starkey, Turnham, Venable, Waggoner, Weeks, White and Williams.

—59

*Nay:* Mr. Whatley.

—1

And the bill:

H. 549. To amend Section 2 of Act No. 929, H. 1822, Regular Session 1975 (Acts 1975, p. 3) relating to amendment of the retirement system of the City of Prichard by changing the effective date of said act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Hilliard, Hines, Holmes (A), Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Owens, Pegues, Plaster, Quarles, Reed, Rich, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Turnham, Venable, Waggoner, Weeks, Whatley, White and Williams.

—68

And the bill:

H. 551. (With Amendment): An act to supplement the salaries of the District Judges of the Thirteenth Judicial Circuit.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend H. B. 551 on page 1, Section 1, following the word "amount" and insert the following:

"so that the total salaries of each judge of the District Court shall be"

And the amendment was adopted.

Yeas 58; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Baker, Biddle, Buskey, Callahan, Carothers, Carter, Crawford, Cross, Crowe, Drake, Falkenburg, Ford, Gafford, Greer, Hall, Hilliard, Hines, Holmes (A), Holmes (D), Jackson (F), Johnstone,

**REGULAR SESSION**  
**15th Day**

961

Jolly, Kelley, Kinsey, Lewis, Lutz, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Owens, Plaster, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Younce.

—58

And the bill, H. 551 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Baker, Biddle, Boles, Buskey, Callahan, Carothers, Carter, Crawford, Crowe, Falkenburg, Folmar, Ford, Gafford, Greer, Hall, Hilliard, Hines, Holmes (A), Holmes (D), Jackson (F), Jackson (R), Johnstone, Kelley, Kennedy, Lewis, Lutz, McCluskey, McNees, Manley, Martin, Merrill, Moore (O), Owens, Plaster, Reed, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Turnham, Waggoner, Weeks, Whatley, White and Younce.

—54

And the bill:

H. 834. To honor the memory of the late John L. LeFlore; relating to counties of not less than 300,000 nor more than 600,000 inhabitants; to require that the next public high school built in any county to which this Act applies shall be named the John L. LeFlore High School.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 1.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Crawford, Crowe, Drake, Falkenburg, Ford, Gafford, Goodwin, Greer, Hall, Harris, Hilliard, Holmes (A), Holmes (D), Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Kennedy, Lewis, Lockett, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Owens, Plaster, Porter, Quarles, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Waggoner, Weeks, Whatley, White, Williams and Younce.

—63

*Nay:* Mr. Albright.

—1

And the bill:

H. 835. To amend Title 3, of Act 2431, H. 2569, 1971 Regular Session (Acts of 1971, p. 3880), as amended, entitled "relating to all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent decennial census; to provide for and create a County Racing Commission for the regulation, licensing, and supervision of dog racing, and wagering thereon; to prescribe the composition, appointment, powers and duties of the commission; to provide for and regulate the pari mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the Acts;

and to provide other penalties for the violation of this Act and for other purposes relative thereto, and to provide for a referendum of the voters of the County on the question of whether the act will become effective in the County," to amend and change the compensation of each member of the Commission.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 49; Nays 4.

Yeas:

Mr. Speaker, Armstrong, Biddle, Boles, Buskey, Callahan, Campbell, Carothers, Carter, Crawford, Crowe, Falkenburg, Ford, Gafford, Greer, Harris, Hilliard, Holmes (A), Holmes (D), Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Lockett, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Owens, Plaster, Rich, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Sonnier, Turnham, Waggoner, Weeks, Whatley, White and Williams.

—49

Nays: Messrs.: Albright, Drake, Smith (C), and Sparks.

—4

And the bill:

H. 1017. To amend the title and Sections 2 and 3 of Act No. 653, H. 589, 1975 Regular Session (Acts of 1975, p. 1410) relating to voter registration and reidentification in all counties having populations of not less than 300,000 nor more than 600,000 according to the 1970 or any subsequent decennial census, so as to require members of the Board of Registrars to be available to colleges in areas within such county for voter registration and reidentification purposes upon the request of the House of Representatives member who represents such area with the concurrence of the Senate member who represents such area; to provide transportation for the members of the board of registrars to and from places where any registration is being conducted, and to provide an increase in compensation for each member of the board.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Harris, Hill, Hilliard, Holmes (A), Holmes (D), Jackson (F), Jackson (R), Johnstone, Jolly, Kennedy, Kinsey, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Plaster, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, White and Williams.

—64

And the bill:

H. 1023. To provide that any public corporation heretofore or hereafter incorporated and existing under the provisions of Act No. 109, H. 148 of the 1961 Regular Session, as amended, [1961 Acts, p. 134; appearing in Code of Alabama 1940, Recomplied 1958, Title 22, Section 204 (41a)], is authorized and empowered to lease any hospital, building or facility



constructed and equipped under the provisions of such act to any public corporation or any non-profit corporation. No rights under the terms of any contract shall be abrogated nor shall any security for the fulfillment of any obligation be jeopardized by the provisions of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Hill, Hilliard, Holmes (A), Holmes (D), Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McNeas, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Weeks, Whatley, White and Williams.

—72

And the bill:

H. 470. To amend Section 13 of Act No. 1516, H. 1864, 1971 Regular Session [Acts of 1971, p. 2631; now appearing in Code of Alabama Recompiled 1958, Title 22, Sections 140(19)-140(29)], entitled "To provide for the regulation of the construction of water wells, to provide a system of reporting information concerning the drilling of water wells and results, to provide for the licensing of water well drillers, to provide for the promulgation and publication of rules and regulations to effectuate the provisions of this act, creating a board to be known as the Alabama Water Well Standards Board, to provide for the qualification, appointment and removal of board members and the filling of vacancies and fixing their tenure of office, and providing penalties for violation of this act"; so as to exempt Baldwin County from the provisions of that act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Buskey, Callahan, Carothers, Carter, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Hill, Hilliard, Holmes (A), Holmes (D), Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lutz, McCluskey, McMillan, McNeas, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Plaster, Porter, Quarles, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Weeks, Whatley, White, Williams and Wyatt.

—71

And the bill:

H. 955. Relating to Lawrence County, providing that certain county prisoners and state prisoners who are housed in county or city jails of Lawrence County may be used on a voluntary basis in the building, repairing and maintenance of public roads, buildings and other public

properties; providing for the commutation of sentence of certain state and county convicts who participate in such public work projects and providing for an appropriation from the state general fund in order to effectuate the provisions of this act.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Crawford, Cross, Crowe, Drake, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Hilliard, Holmes (D), Jackson (F), Jackson (R), Johnstone, Kelley, Kennedy, Killian, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeas, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—70

And the bill:

H. 956. (With Substitute): Granting the county commission of Lawrence County the authority to pay certain expenses incurred by the Probate Judge of Lawrence County.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 1, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

Granting the county commission of Lawrence County the authority to pay certain expenses incurred by the Probate Judge of Lawrence County and to make the provisions hereof retroactive to January 17, 1977.

Be It Enacted by the Legislature of Alabama:

Section 1: The county commission of Lawrence County may at its discretion reimburse the Probate Judge of Lawrence County for all actual and necessary expenses incurred in connection with his attendance at and educational service, professional or associational meetings relative to the duties of his office and may also pay any professional or associational dues relative to the office of Probate Judge.

Section 2: This act shall become effective on January 17, 1977.

And the substitute was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Ford, Gafford, Greer, Hall, Harris, Hilliard, Holmes

**REGULAR SESSION**  
**15th Day**

965

(A), Holmes (D), Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—67

And the bill:

H. 956. Granting the county commission of Lawrence County the authority to pay certain expenses incurred by the Probate Judge of Lawrence County and to make the provisions hereof retroactive to January 17, 1977.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Biddle, Brindley, Buskey, Callahan, Carothers, Carter, Coburn, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Hilliard, Holmes (A), Holmes (D), Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Quarles, Rich, Roberts, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—65

Nay: Mr. Morris.

—1

And the bill:

H. 997. To amend further Section 2 of Act No. 47, H. 100, Special Session 1962 (Acts 1962, p. 63), entitled "An Act To change the method of compensating certain officers of Elmore County, placing such officers on a salary basis and providing for the operation of their offices on such basis," so as to authorize additional clerical help for certain officers.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 1.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Buskey, Callahan, Campbell, Carothers, Carter, Coburn, Crawford, Crowe, Drake, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Hilliard, Holmes (A), Holmes (D), Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—67

Nay: Mr. Albright.

—1

And the bill:

H. 998. To fix the compensation for bailiffs of courts in the Nineteenth Judicial Circuit and to provide for payment thereof by that county in which such bailiff serves.

H. 998 POSTPONED

On motion of Mr. Venable, the bill, H. 998, was postponed to the sixteenth legislative day.

And the bill:

H. 1021. Relating to all counties having a population of not less than 34,000 nor more than 34,800 inhabitants according to the 1970 or any subsequent federal decennial census, to provide for the appointment of a county engineer and to prescribe his qualifications and duties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Coburn, Crawford, Crowe, Drake, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Holley, Holmes (A), Holmes (D), Jackson (F), Jackson (R), Johnstone, Kelley, Kinsey, Lewis, Lockett, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—62

And the bill:

H. 1043. To permit banks now or hereinafter situated in, or having a branch in, Etowah County to establish, maintain and operate branch banks and branch offices within the limits of said county for the conduct of a general banking and trust business; and to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Coburn, Crawford, Crowe, Drake, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—75

And the bill:

H. 1058. To authorize the governing bodies of Tuscaloosa County, the City of Tuscaloosa and the City of Northport to create the Tuscaloosa

**REGULAR SESSION**  
**15th Day**

967

County Park and Recreation Authority, to appropriate funds to such authority, and to abolish existing park and recreation boards upon the establishment of such authority.

Was taken up.

**SUBSTITUTE OFFERED**

Mr. Robertson offered the following substitute to the bill, H. 1058:

**A BILL**  
**TO BE ENTITLED**  
**AN ACT**

To amend and reenact Act No. 1248, H. 1567 of the Regular Session of 1969 (Acts of 1969, p. 2349), so as to incorporate into such act provisions authorizing each of the several governing bodies forming the Tuscaloosa County Park and Recreation Authority to withdraw therefrom and regulating such withdrawals; and to give such amendments retro-active effect.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1248, H. 1567 of the 1969 Regular Session (Acts 1969, p. 2349) is hereby amended and reenacted to read as follows:

**"A BILL**  
**TO BE ENTITLED**  
**AN ACT**

"To authorize the governing bodies of Tuscaloosa County, the City of Tuscaloosa and the City of Northport to create the Tuscaloosa County Park and Recreation Authority, to appropriate funds to such authority, and to abolish existing park and recreation boards upon the establishment of such authority.

Be It Enacted by the Legislature of Alabama:

"Section 1. The governing bodies of Tuscaloosa County, the City of Tuscaloosa and the City of Northport are hereby authorized to create The Tuscaloosa County Park and Recreation Authority to serve the County of Tuscaloosa, and the cities therein.

"Section 2. Such Authority shall be created when each of the three governing bodies named above shall adopt a resolution signifying their desire that such an Authority be created and fixing the effective date for its coming into existence, and shall file such resolutions in the Office of the Judge of Probate of Tuscaloosa County, Alabama. When such Authority is brought into existence as herein authorized, it shall not be dissolved by the withdrawal of any of the governing bodies therefrom for a period of one year and, thereafter, no such governing body shall withdraw therefrom except at the end of a fiscal year of such Authority.

"Section 3. Such authority shall be governed by a board consisting of eight respected citizens of Tuscaloosa County carefully selected for their knowledge and interest in parks and recreation and for their community leadership. Such members shall be appointed as follows.

**"REGULAR SESSION**

"(a) The governing body of the City of Tuscaloosa shall appoint one member for a one year term, one member for a two year term, and

one member for a three year term; and shall thereafter appoint successors to such members for terms of three years.

"(b) The governing body of the City of Northport shall appoint one member for a term of three years and shall thereafter appoint his successors to terms of three years.

"(c) The governing body of Tuscaloosa County shall appoint one member for a term of one year and one member for a term of three years, and shall thereafter appoint successors to such members for terms of three years.

"(d) The Tuscaloosa City Board of Education shall appoint one member for a term of two years and shall thereafter appoint the successors to such member for terms of three years.

"(e) The Tuscaloosa County Board of Education shall appoint one member for a term of one year and shall thereafter appoint the successors to such member for terms of three years.

"The board shall elect annually from among its own number a chairman who shall vote only in the event of a tie. The board shall adopt rules and regulations covering its policies and procedures, and the use of lands, buildings and facilities under its jurisdiction. No member of the board shall receive any compensation for services rendered as a member of such board. It shall be unlawful for any member of such board to have contractual relations with such board involving the sale or lease of land, personal property, facilities or the performance of services.

"Section 4. The board shall appoint a Director of Parks and Recreation and prescribe his duties, qualifications, authority and compensation. The director shall employ any personnel the board deems necessary to carry out the purposes of this act and the director shall prescribe their qualifications, duties, authority and compensation.

"Section 5. The board shall direct, supervise, and promote such recreation programs as will contribute to the general welfare of the residents of the county, it shall have control over all lands, buildings, equipment and other facilities purchased or leased by it, or assigned to it for recreational purposes by the county, by the City of Tuscaloosa, by the City of Northport, or otherwise acquired by it.

"Section 6. The board is hereby authorized to.

"(a) Enter into contracts with and cooperate fully with other local agencies, state agencies and federal agencies for the purpose of maintaining and improving the recreational services and facilities of the county.

"(b) Acquire lands, buildings, and facilities for recreational purposes through purchase, lease, gift, or sale;

"(c) Accept grants or loans from the federal government, state government, foundations, etc. when such grants or loans are available.

"(d) Borrow money for recreational purposes and issue revenue bonds under such terms as may be practicable.

"Section 7. The Tuscaloosa Park and Recreation Board, the Northport Park and Recreation Board, heretofore created are hereby abolished upon the creation of Tuscaloosa County Park and Recreation Authority and all buildings, land and facilities hereby controlled by such board and authorities are hereby placed under the control, and shall be main-

**REGULAR SESSION**  
**15th Day**

969

tained by, the Tuscaloosa County Park and Recreation Authority; provided, however, that the title to any real property used or controlled by such authority shall be retained by its present owners if so desired; and provided, further, that if any governing body should elect as hereinabove authorized, to withdraw from such Authority and to withdraw its buildings, lands and facilities from the control of the Authority, nothing herein shall prevent the re-establishment of a City Park and Recreation Board as may be otherwise authorized by law.

"Section 8. The governing bodies of Tuscaloosa County, the City of Tuscaloosa and the City of Northport shall each appropriate to the authority authorized herein any funds the governing bodies deem advisable to carry out the purposes of this act.

"Anticipated revenue of the authority shall be included in the annual budget and all revenue accrued by the authority shall be retained by the authority.

"Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

"Section 10. All laws or parts of laws which conflict with this act are repealed.

"Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

Section 2. This act shall be retroactive and shall be effective from and after September 13, 1969.

And the substitute was adopted.

Yeas 71; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Crawford, Crowe, Dial, Drake, Falkenburg, Folmar, Ford, Gafford, Greer, Hall, Harris, Hilliard, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—71

And the bill:

H. 1058. To amend and reenact Act No. 1248, H. 1567 of the Regular Session of 1969 (Acts of 1969, p. 2349), so as to incorporate into such act provisions authorizing each of the several governing bodies forming the Tuscaloosa County Park and Recreation Authority to withdraw therefrom and regulating such withdrawals; and to give such amendments retroactive effect.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 1.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Coburn, Crawford, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Hilliard, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—75

Nay: Mr. Albright.

—1

And the bill:

H. 1059. Relating to counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the 1970 or any subsequent federal decennial census; so as to provide for the regulation of the construction of water wells, within counties to which this act applies, to provide for the licensing of water well drillers, to provide for the promulgation and publication of rules and regulations to effectuate the provisions of this act, creating boards to be known as the County Water Well Standards Boards, to provide for the qualification, appointment and removal of board members and the filling of vacancies and fixing their tenure of office, providing penalties for violation of this act, and repealing conflicting laws.

Was taken up.

#### AMENDMENT OFFERED

Mr. Kinsey offered the following amendment to the bill, H. 1059:

On page 2, Section 3, line 24 and 25 strike the words "member of the county farm bureau." and add the following:  
resident of an area not served by rural or municipal waterworks.

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Coburn, Crawford, Crowe, Drake, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Holley, Holmes (A), Holmes (D), Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Quarles, Rich, Roberts, Sandusky, Shelton, Smith (B), Smith (J), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—68

And the bill, H. 1059 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.



**REGULAR SESSION  
15th Day**

971

Yeas 71; Nays 1.

**Yeas:**

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Coburn, Crawford, Crowe, Drake, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Holmes (A), Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Owens, Plaster, Porter, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (J), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—71

**Nay:** Mr. Pegues.

—1

And the bill:

H. 1033. To amend Act No. 384, H. 946, 1969 Regular Session (Acts 1969-70, p. 754) which act establishes a civil service system for certain Calhoun County employees, so as to modify the provisions of the act relating to prohibited political activities.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 73; Nays 0.

**Yeas:**

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Coburn, Crawford, Cross, Crowe, Dial, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Hilliard, Holmes (A), Holmes (D), Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (M), Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—73

And the bill:

H. 1035. To amend the title and sections 2 and 3 of Act No. 481, H. 1193, 1976 Regular Session (Acts of 1976, p. 597), entitled "To regulate the registration and identification of certain trailers in all counties having a population of not less than 60,000 nor more than 65,000 inhabitants according to the 1970 or any subsequent federal decennial census and prescribe penalty for violations", so as to change the method of identification, to increase the penalty for failing to pay registration fee at the proper time, to provide for the allocation of revenue received from such penalty, to replace the term house trailer with mobile home and to properly number the sections.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 72; Nays 0.

**Yeas:**

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Coburn, Crawford,

Crowe, Drake, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Hilliard, Holmes (A), Holmes (D), Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Plaster, Quarles, Rich, Roberts, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—72

And the bill:

H. 1030. Proposing an amendment to the Constitution of Alabama authorizing the incorporation in Marengo County of port authorities for the purpose of the development and commercial use of the inland waterways in such county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Coburn, Crawford, Crowe, Dial, Drake, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Hilliard, Holmes (A), Holmes (D), Hopping, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—73

#### MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Hill, the rules were suspended in order to take up out of order the bill, H. 508.

And the bill:

H. 508. To authorize any city in the State of Alabama having a population of 34,000 or more according to the last or any subsequent federal census to plan, establish, develop, acquire, construct, enlarge, improve, maintain, equip, operate, regulate and protect any building, structure, land, right of way, equipment or instrumentality used or useful in connection with construction, equipping, development, maintenance or operation of any area or building for off-street parking of motor vehicles (defined as parking facilities), to finance the cost of parking facilities in whole or in part by the issuance of bonds, warrants, notes or other evidences of indebtedness and pledge to the payment thereof its full faith and credit and any tax, license or revenues which the city may then be authorized to pledge to the payment of bonded or other indebtedness; to lease or let parking facilities or any one or more of them to such tenant or tenants for such periods and for such compensation or rental and on such conditions as the governing body of the city may prescribe; to fix, establish, collect and alter parking fees, tolls, rents and other charges for the use of any parking facility; to make and enforce rules and regulations governing the use of any parking facility owned or operated by the city and to execute such contracts and other

**REGULAR SESSION**  
**15th Day**

973

instruments and to take such other action as the governing body of the city may deem necessary or convenient in connection with parking facilities.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 76; Nays 0.

*Yeas:*

Mr. Speaker, Andrews, Baker, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Hill, Hilliard, Holley, Holmes (A), Holmes (D), Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNeas, Manley, Martin, Merrill, Mitchem, Moore (O), Owens, Pegues, Plaster, Quarles, Rich, Roberts, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (M), Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Wyatt and Younce.

—76

The House then proceeded with the consideration of the bills listed on the Special Order Calendar.

And the bill:

H. 643. To authorize the State of Alabama to levy and collect, in addition to all other taxes heretofore imposed by law, an excise and privilege tax on every person severing coal or lignite within the State of Alabama; to provide that the proceeds collected therefrom be deposited with the Department of Revenue and that thereafter (1) a portion of said tax be distributed to each municipality within the police jurisdiction of which such severance occurred in an amount based on the tax collected from the coal and lignite severing operations within such police jurisdiction provided that where such severance is not within the police jurisdiction of a municipality, then a portion of such tax shall be distributed to the county in which such severance occurred; (2) a portion of said tax to be distributed to the State Highway Department; to establish procedures for the distribution of such funds by the Department of Revenue; to authorize the Department of Revenue or its authorized agents to inspect the relevant books of each person severing coal or lignite and to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this Act; to prohibit, and make null and void, the enactment and implementation by county, municipal or other taxing authorities severance taxes inconsistent with or additional to the provisions of this Act and to effect the repeal of any laws previously passed authorizing the implementation or enactment of any such tax; and to prescribe penalties for the violations of the provisions of this Act.

Which was amended on the fourteenth legislative day, was taken up.

**AMENDMENT WITHDRAWN**

Mr. Killian withdrew his amendment No. 1 to the bill, H. 643 as amended.

**AMENDMENT OFFERED**

Mr. Killian offered the following amendment No. 2 to the bill, H. 643 as amended:

Amend the Substitute to H. B. 643 as follows:

Strike Section 7 and add a new Section 7 as follows:

Section 7. The provisions of this act are supplemental and shall be construed in *pari materia* with Act No. 2305, H. 875, 1971 Regular Session (Acts 1971, p. 3719) and Act No. 906, H. 1867, 1975 Regular Session (Acts 1975, p. 1803) and other laws regulating excise and privilege taxes on the severance of coal or lignite, provided, however, that those laws or parts of laws, including specifically any laws imposing or authorizing local, county, municipal or other severance taxes, except as set out above on coal or lignite are hereby repealed and all counties, municipalities, and taxing authorities now or hereafter existing in the State of Alabama are prohibited from enacting and implementing any excise or privilege tax on any person severing coal or lignite within the State of Alabama.

#### MOTION TO TABLE LOST

The motion offered by Mr. Biddle to table the amendment offered by Mr. Killian to the bill, H. 643 as amended, was lost.

Yeas 29; Nays 42.

Mr. Speaker, Armstrong, Biddle, Callahan, Carothers, Crawford, Crowe, Folmar, Gregg, Holmes (D), Johnson, Johnstone, Kinsey, Lee, McMillan, Merrill, Morris, Naramore, Owens, Plaster, Rich, Robertson, Sandusky, Sasser, Smith (M), Venable, Waggoner, Weeks and Williams.

—29

#### Nays:

Messrs.: Albright, Baker, Barron, Boles, Brindley, Campbell, Carter, Cross, Dial, Ford, Greer, Hall, Harris, Hill, Hines, Holley, Howard, Jolly, Kelley, Killian, Leonard, Lewis, Lockett, Lutz, McNair, McNees, Manley, Martin, Mitchem, Moore (W), Pegues, Quarles, Roberts, Shelton, Shoemaker, Smith (B), Sonnier, Starkey, Trammell, Tucker, Wyatt and Younce.

—42

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 526. Relating to Bibb County; providing for the establishment of a consolidated and unified system of assessing and collecting taxes under one elective county official designated as "county tax assessor and collector"; prescribing the powers, duties, term of office and compensation of said official; providing for the manner of election to the new office; abolishing the offices of tax assessor and tax collector in Bibb County; repealing conflicting laws; and prescribing the effective date of this act.

by a majority of the whole number elected to the Senate, said vote being Yeas 25, Nays 0.

And said Bill, H. B. 526, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE,  
Secretary.

REGULAR SESSION  
15th Day

975

H. 643 RESUMED  
AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Mr. Killian to the bill, H. 643 as amended, and the amendment was adopted.

Yeas 54; Nays 20.

*Yeas:*

Mr. Speaker, Albright, Baker, Barron, Brindley, Campbell, Carothers, Carter, Crawford, Cross, Dial, Ford, Gafford, Greer, Hall, Harris, Hines, Holley, Holmes (D), Howard, Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Pegues, Porter, Quarles, Riddick, Roberts, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Sparks, Starkey, Tucker, White, Wyatt and Younce.

—54

*Nays:*

Messrs.: Armstrong, Biddle, Callahan, Crowe, Folmar, Johnson, Lee, McCluskey, Morris, Naramore, Owens, Plaster, Rich, Robertson, Sandusky, Sonnier, Venable, Waggoner, Weeks and Younce.

—20

AMENDMENT OFFERED

Mr. Smith (B) offered the following amendment to the bill, H. 643 as amended:

Amend H. B. 643 by adding the words "and shall" after the word "to" on line 25, Section 2.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 81; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Coburn, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Holley, Holmes (D), Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Weeks, White, Williams, Wyatt and Younce.

—81

AMENDMENT OFFERED

Mr. Boles offered the following amendment No. 1 to the bill, H. 643 as amended:

Amend by placing a period after the word act on line 34, page 1 and delete all the remaining language from the word act on said line and page number through line six, page 2, and add in lieu thereof the following

statement "The county governing bodies of each county may impose or increase severance taxes on strip mined coal and lignite in their respective counties as they deem necessary."

#### AMENDMENT TABLED

On motion of Mr. Naramore, the amendment No. 1 offered by Mr. Boles to the bill, H. 643 as amended, was tabled.

Yeas 36; Nays 14.

#### Yeas:

Mr. Speaker, Armstrong, Biddle, Carothers, Coburn, Crawford, Crowe, Drake, Folmar, Gregg, Holmes (D), Johnson, Kelley, Lee, Manley, Martin, Merrill, Mitchem, Morris, Naramore, Owens, Pegues, Quarles, Rich, Roberts, Robertson, Sasser, Smith (M), Sonnier, Sparks, Venable, Waggoner, Weeks, Whatley, Williams and Younce.

—36

#### Nays:

Messrs.: Barron, Brindley, Carter, Greer, Hall, Hill, Hopping, Jolly, Kennedy, Lewis, Lockett, McNees, Riddick and Trammell.

—14

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill to-wit:

H. 526. Relating to Bibb County; providing for the establishment of a consolidated and unified system of assessing and collecting taxes under one elective county official designated as "county tax assessor and collector"; prescribing the powers, duties, term of office and compensation of said official; providing for the manner of election to the new office; abolishing the offices of tax assessor and tax collector in Bibb County; repealing conflicting laws; and prescribing the effective date of this act.

And finds same correctly enrolled with Executive Amendment.

TOM DRAKE,  
Chairman.

#### SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

#### H. 643 RESUMED

#### AMENDMENT OFFERED

Mr. Boles offered the following amendment No. 2 to the bill, H. 643 as amended:

**REGULAR SESSION**  
**15th Day**

977

Amend Section 2, page 2, line 28, by adding a comma after the word severed and add the following language:

“provided that the coal is not of metallurgical quality, if metallurgical coal is severed and shipped outside the state there will be an addition 80¢ per ton added to the severance tax.”

**AMENDMENT TABLED**

On motion of Mr. Biddle, the amendment No. 2 offered by Mr. Boles to the bill, H. 643 as amended, was tabled.

Yeas 51; Nays 24.

**Yeas:**

Mr. Speaker, Armstrong, Biddle, Brindley, Callahan, Campbell, Coburn, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Gafford, Goodwin, Harris, Hilliard, Holmes (D), Jackson (F), Johnson, Kelley, Kinsey, Lee, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Morris, Naramore, Owens, Pegues, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shoemaker, Smith (M), Sonnier, Sparks, Turnham, Waggoner, Warren, Weeks, Whatley, Williams and Younce.

—51

**Nays:**

Messrs.: Albright, Andrews, Barron, Boles, Carter, Ford, Greer, Gregg, Hall, Hill, Hopping, Howard, Jolly, Killian, Leonard, Lewis, Lutz, McNair, Moore (W), Quarles, Smith (B), Trammell, Tucker and Wyatt.

—24

**AMENDMENT OFFERED**

Mr. Boles offered the following amendment No. 3 to the bill, H. 643 as amended:

Amend Section 1, sub-section (b) by deleting the words “deep mining” beginning on page 2 line 14

**AMENDMENT TABLED**

On motion of Mr. Biddle, the amendment No. 3 offered by Mr. Boles to the bill, H. 643 as amended, was tabled.

Yeas 50; Nays 22.

**Yeas:**

Mr. Speaker, Armstrong, Baker, Biddle, Brindley, Callahan, Coburn, Crawford, Crowe, Drake, Edwards, Falkenburg, Ford, Gafford, Goodwin, Gregg, Harris, Holmes (D), Jackson (F), Johnson, Kelley, Kinsey, Lee, McCluskey, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (M), Sonnier, Sparks, Turnham, Warren, Weeks, Whatley and Williams.

—50

**Nays:**

Messrs.: Andrews, Barron, Boles, Carter, Greer, Hall, Hilliard, Holmes (A), Hopping, Howard, Jolly, Killian, Leonard, Lewis, Lutz, McNair, Martin, Moore (W), Trammell, Tucker, Waggoner and Wyatt.

—22

## AMENDMENT OFFERED

Mr. Boles offered the following amendment No. 4 to the bill, H. 643 as amended:

Amend by re-numbering section 8 and 9 to read sections 9 and 10 respectively and substituting the following for section 8 "The provisions of this act shall not apply to any county with a population of 500,000 or more."

## AMENDMENT TABLED

On motion of Mr. Biddle, the amendment No. 4 offered by Mr. Biddle to the bill, H. 643 as amended, was tabled.

Yeas 50; Nays 21.

Mr. Speaker, Armstrong, Baker, Biddle, Brindley, Callahan, Carothers, Crawford, Crowe, Dial, Drake, Edwards, Goodwin, Harris, Holmes (D), Jackson (F), Johnson, Kelley, Kennedy, Kinsey, Lee, Lutz, McCluskey, McMillan, McNeas, Manley, Martin, Merrill, Mitchem, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shoemaker, Smith (M), Sonnier, Sparks, Turnham, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—50

*Nays:*

Messrs.: Albright, Andrews, Barron, Boles, Greer, Hall, Harrison, Hill, Hilliard, Holmes (A), Hopping, Howard, Jolly, Killian, Leonard, Lewis, McNair, Porter, Smith (B), Trammell and Tucker.

—21

## AMENDMENT OFFERED

Mr. Boles offered the following amendment No. 5 to the bill, H. 643 as amended:

Amend by re-numbering sections 8 and 9 to read 9 and 10 respectively and substitute the following for section 8:

"The provisions of this act shall not apply to House District 42."

## AMENDMENT TABLED

On motion of Mr. Biddle, the amendment No. 5 offered by Mr. Boles to the bill, H. 643 as amended, was tabled.

Yeas 42; Nays 22.

*Yeas:*

Mr. Speaker, Armstrong, Biddle, Callahan, Carothers, Crawford, Crowe, Drake, Falkenburg, Gregg, Holmes (D), Johnson, Kennedy, Kinsey, Lee, Lockett, Lutz, McCluskey, McMillan, McNeas, Manley, Merrill, Mitchem, Naramore, Owens, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Sonnier, Sparks, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams, Wyatt and Younce.

—42

*Nays:*

Messrs.: Albright, Andrews, Barron, Boles, Carter, Ford, Hall, Harrison, Hill, Hilliard, Holley, Holmes (A), Hopping, Howard, Jolly, Killian, Leonard, Lewis, McNair, Smith (B), Trammell and Tucker.

—22



**REGULAR SESSION**  
**15th Day**

979

**AMENDMENT OFFERED**

Mr. Boles offered the following amendment No. 6 to the bill, H. 643 as amended:

Amend by deleting subsection (b) in section 1, page 2 and by substituting the following:

(b) "Sever" means cutting, strip mining or otherwise raking or removing coal or lignite by surface mining the soil within the county."

**AMENDMENT TABLED**

On motion of Mr. Biddle, the amendment No. 6 offered by Mr. Boles to the bill, H. 643 as amended, was tabled.

Yeas 47; Nays 22.

*Yeas:*

Mr. Speaker, Armstrong, Biddle, Brindley, Callahan, Carothers, Coburn, Crawford, Crowe, Dial, Drake, Edwards, Goodwin, Gregg, Hill, Holmes (D), Jackson (F), Johnson, Kelley, Kennedy, Kinsey, Lee, Lockett, Lutz, McCluskey, McMillan, McNees, Merrill, Mitchem, Morris, Naramore, Owens, Plaster, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Sonnier, Sparks, Turnham, Waggoner, Warren, Weeks, Williams and Wyatt.

—47

*Nays:*

Messrs.: Albright, Andrews, Barron, Boles, Ford, Hall, Harrison, Hilliard, Holley, Holmes (A), Hopping, Howard, Jolly, Killian, Leonard, Lewis, McNair, Martin, Porter, Smith (B), Trammell and Tucker.

—22

**AMENDMENT OFFERED**

Mr. Hall offered the following amendment to the bill, H. 643 as amended:

Add on line 22 of page 2 after the figure '(1977)', "a municipality whose limits are changed shall still be entitled to receive the severance tax based on the municipal limits and police jurisdictions that existed on January 1, 1977."

**AMENDMENT TABLED**

On motion of Mr. Biddle, the amendment offered by Mr. Hall to the bill, H. 643 as amended, was tabled.

Yeas 45; Nays 16.

*Yeas:*

Mr. Speaker, Armstrong, Biddle, Callahan, Coburn, Crawford, Crowe, Dial, Edwards, Folmar, Gafford, Goodwin, Hilliard, Holmes (D), Johnson, Kelley, Kennedy, Kinsey, Lutz, McCluskey, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Plaster, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Sparks, Turnham, Venable, Waggoner, Warren, White, Williams, Wyatt and Younce.

—45

*Nays:*

Messrs.: Andrews, Barron, Boles, Hall, Harrison, Holmes (A), Hopping, Howard, Johnstone, Jolly, Killian, Leonard, Lewis, Porter, Smith (B), and Trammell.

—16

And the bill:

H. 643. To authorize the State of Alabama to levy and collect, in addition to all other taxes heretofore imposed by law, an excise and privilege tax on every person severing coal, bauxite or lignite within the State of Alabama; to provide that the proceeds collected therefrom be deposited with the Department of Revenue and that thereafter (1) a portion of said tax be distributed to the governing body of the county within which such severance occurred; (2) a portion of said tax be distributed to the governing body of the municipality within the police jurisdiction or municipal limits of which such severance occurred in an amount based on the tax collected on the severance of coal, bauxite, or lignite within such police jurisdiction or municipal limits; to establish procedures for the distribution of such funds by the Department of Revenue; to authorize the Department of Revenue or its authorized agents to inspect the relevant books of each person severing coal, bauxite, or lignite and to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this Act; to prohibit, and make null and void, the enactment and implementation by county, municipal or other taxing authorities severance taxes inconsistent with or additional to the provisions of this Act and to effect the repeal of any laws previously passed authorizing the implementation or enactment of any such tax; and to prescribe penalties for the violations of the provisions of this Act.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 15.

*Yeas:*

Mr. Speaker, Armstrong, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Coburn, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Goodwin, Gregg, Holmes (A), Holmes (D), Jackson (F), Johnson, Jolly, Kelley, Kennedy, Kinsey, Lee, Lewis, Lutz, McCluskey, McMillan, McNeese, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shoemaker, Smith (B), Sparks, Starkey, Turnham, Waggoner, Warren, Weeks, White, Williams, Wyatt and Younce.

—63

*Nays:*

Messrs.: Andrews, Barron, Boles, Greer, Hall, Harrison, Hilliard, Holley, Hopping, Howard, Killian, Leonard, McNair, Porter and Trammell.

—15

And the bill:

H. 196. To amend Code of Alabama 1940, Title 45, Section 144, as amended, providing a daily prisoner meal allowance, so as to provide for an increase in such allowance.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Gafford,

REGULAR SESSION  
15th Day

981

Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Sasser, Shoemaker, Smith (B), Smith (J), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—85

PERMISSION GRANTED

Permission was granted for the Journal to show Mr. Smith (C) would have voted "Yea" on the bill, H. 196, had he been in the Chamber at the time of voting.

Permission was granted for the Journal to show Mr. Reed voting "Yea" on the bill, H. 196.

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 196:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Crowe, Dial, Edwards, Ford, Goodwin, Greer, Hall, Harris, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Kelley, Kennedy, Kinsey, Leonard, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Sasser, Shoemaker, Smith (J), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Williams and Wyatt.

And the bill:

H. 489. (With Amendment): To make supplemental appropriations for the use of the Board of Corrections for payment to the various counties for expenses incurred for the housing and confinement of state prisoners in county jails; for the operations of the Department of Public Safety; and for the payment of interest on General Obligation Bonds paid from the State General Fund.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. B. 489 by striking in Section 1 the following:

"(a) Board of Corrections:

For payment to the various counties for expenses incurred for the housing and confinement of state prisoners in county jails .....	2,000,000
--	-----------

and inserting in lieu therefor the following:

(a) Board of Corrections:

For payment to the various counties for expenses incurred for the housing and confinement of state prisoners in county jails .....	2,500,000"
--	------------

Further amend the bill in Section 1 by adding after (c) the following:

“(d) Department of Conservation and Natural Resources—Parks Division.

For Operations ..... 500,000

And the amendment was adopted.

Yeas 80; Nays 1.

*Yeas:*

Mr. Speaker. Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Kelley, Kennedy, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Porter, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—80

*Nay:* Mr. Leonard.

—1

#### AMENDMENT WITHDRAWN

Mr. Venable withdrew the amendment No. 1 offered by him to the bill, H. 489 as amended.

#### AMENDMENT OFFERED

Mr. Venable offered the following amendment No. 2 to the bill, H. 489 as amended:

Further amend the bill in Section 1 by adding after (d) the following:

“(e) Board of Corrections:

For payment of expenses incurred in the search for and apprehension of state prisoners who escaped from state penal institutions ..... \$100,000

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 90; Nays 0.

*Yeas:*

Mr. Speaker. Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky,

**REGULAR SESSION**  
**15th Day**

983

Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—90

And the bill, H. 489 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 0.

**Yeas:**

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams, Wyatt and Younce.

—91

**PERMISSION GRANTED**

Permission was granted for the Journal to show Mr. Reed voting "Yea" on the bill, H. 489.

And the bill:

H. 1036. To appropriate the sum of three million dollars (\$3,000,000) to the State Department of Public Health - Medicaid Account from any funds available in the state treasury to the credit of the Department of Pensions and Security.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

**Yeas:**

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—90

**CO-SPONSORS ADDED**

The following were added as co-sponsors to the bill, H. 1036:

Mr. Speaker, Andrews, Armstrong, Boles, Brindley, Carter, Cooper, Cross, Drake, Falkenburg, Folmar, Gafford, Greer, Gregg, Hall, Hill,

Hilliard, Holley, Holmes (A), Holmes (D), Jolly, Kennedy, Leonard, Lutz, McCluskey, Martin, Merrill, Mitchem, Moore (O), Morris, Owens, Plaster, Quarles, Rich, Roberts, Robertson, Sasser, Shelton, Shoemaker, Smith (C), Smith (J), Sonnier, Sparks, Starkey, Trammell, Tucker, Turnham, Warren, Weeks and Williams.

And the bill:

H. 436. (With Substitute): To amend sections 2 and 8 of Act No. 2, H. 47 of the Regular Session of 1945 (Gen. Acts 1945, p. 20), as amended, which levies and provides for the collection and distribution of a severance tax on oil, gas and other hydrocarbons, so as to raise the rate of such tax and to give the increase to the county in which the oil and gas was produced; and to remove the provision that prohibits local taxation on oil and gas; and to repeal laws in conflict herewith.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Title 51, Section 431 (2) to increase the tax rate from 4% of gross value to 6% of gross value and to amend Section 431 (8) to provide that the increased collection shall be divided 50% to the Counties in which the Oil or Gas is severed and 50% to the State General Fund.

Be It Enacted by the Legislature of Alabama:

Section 1. Title 51, Section 431 (2) is hereby amended to read as follows: "Section 431 (2). Levy of tax upon business of producing or severing oil or gas from soil, etc.; measure of tax; time of accrual; counties, cities and towns. (a) There is hereby levied, to be collected hereafter, as herein provided, annual privilege taxes upon every person engaging or continuing to engage within the state of Alabama in the business of producing or severing oil or gas as defined herein, from the soil or the waters, or from beneath the soil or the waters, of the state for sale, transport, storage, profit, or for use. The amount of such tax shall be measured at the rate of six per centum (6%) of the gross value of said oil or gas at the point of production until October 1, 1973, at which time the rate of such tax shall decrease to four per centum (4%) which shall be the applicable rate thereafter. (b) The tax is hereby levied upon the basis of the entire production in this state, including what is known as the royalty interest, on which production the amount of such tax shall be a lien, regardless of the place of sale or to whom sold, or by whom used, or the fact that the delivery may be made to points outside the state; and the tax shall accrue at the time such oil or gas is severed from the soil or the waters, or from beneath the soil or the waters, and in its natural, unrefined, or unmanufactured condition. (c) A county, city, town or municipality of the state of Alabama shall not establish, levy, impose or collect as a condition of doing business or otherwise, any tax, fee, license or charge, whatsoever, directly or indirectly, on or with respect to the production, treating, processing, ownership, sale, storage, purchase, marketing, or transportation of any oil or gas produced in the state of Alabama and on which severance taxes have been paid to the state of Alabama, or upon the business of producing, treating, processing, owning, selling, buying, storing, marketing

or transporting such oil, or gas or upon the ownership, operation or maintenance of plants, facilities, machinery, pipe lines, gathering lines or any equipment, whatsoever, which are, or may be necessary or convenient to the production, treating, processing, ownership, storage, sale, purchase, marketing, or transportation of such oil or gas; provided, however, that nothing herein shall be construed to prohibit, limit or restrict a county, city, town or municipality from imposing and collecting ad valorem taxes on any property, real or personal not otherwise now exempted by law; further, the limitation herein imposed upon counties, cities, towns and municipalities shall not apply to any county, city, town or municipality which does not receive a share of the severance tax under the provisions of this chapter. (d) Nothing contained herein shall be deemed to limit or to enlarge the authority of a county, city, town or municipality to levy taxes or licenses on oil refining facilities located therein or on the suppliers of services or goods not including oil or gas to those persons engaging in the business of producing, treating, processing, owning, selling, buying, storing, marketing or transporting such oil or gas.

Section 2. Title 51, Section 431 (8) is hereby amended to read as follows: "Section 431 (8) allocation and distribution of net taxes collected.

Sixty-six and two thirds per centum (66  $\frac{2}{3}$ %) of the net amount of all taxes herein levied and collected by the department, after the same has been certified into the state treasury, shall be allocated and distributed by the comptroller to the credit of the general fund of the state and to the county in which the oil or gas was produced and to the municipalities therein in the proportion set out in the following schedule:

(a) Twenty-five per centum (25%) of all taxes herein levied and collected on oil and gas produced from oil or gas wells located within any county, shall be allocated and distributed to each such county for county purposes or to be expended at the discretion of the county governing body. In all counties having a population of not less than 34,875, nor more than 36,000 according to the 1970 federal decennial census, such funds shall be allocated and distributed to the boards of education of the public schools in such counties on a pro rata basis as established by the number of children in net enrollment in the public schools during the prior school attendance year. In all counties having a population of not less than 16,000 nor more than 16,250, according to the 1970 federal decennial census, such funds shall be allocated and distributed as follows: Each year the first \$150,000 shall be paid to the custodian of the county school funds and after the payment of said \$150,000 each year the balance of said funds shall be divided and paid  $\frac{1}{3}$  to the custodian of the county school funds and  $\frac{2}{3}$  to the custodian of the county general funds. (b) Ten percent (10%) of all taxes herein levied and collected on oil and gas produced from oil or gas wells located within the corporate limits or the police jurisdiction of any municipality shall be allocated and distributed to each such municipality. (c) Fifty percent (50%) of the first one hundred and fifty thousand dollars (\$150,000.00) remaining, or any part thereof, collected per year under the provisions of this chapter to the state, forty-two and one-half percent (42 $\frac{1}{2}$ %) to the county, and seven and one-half percent (7 $\frac{1}{2}$ %) to municipalities therein on a population basis. (d) Eighty-four per centum (84%) of all additional sums collected per year under the provisions of this chapter to the state, fourteen per centum (14%) to the county, and two per centum (2%) to municipalities therein on a population basis.

Sixteen and two-thirds per centum (16  $\frac{2}{3}$ %) of the net amount of all taxes herein levied and collected by the department shall be certified into the state treasury to the credit of the state General Fund.

Sixteen and two thirds per centum (16 2/3%) of the net amount of all taxes herein levied and collected by the department on oil and gas produced from oil or gas wells located within any county, shall be allocated and distributed to each such county for county purposes to be expended at the discretion of the county governing body.

Section 3. This Act shall become effective on the first day of the second month after its passage and approval by the Governor or its otherwise becoming a law.

And the substitute was adopted.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, Lewis, Lockett, McCluskey, McMillan, McNeas, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Younce.

—85

#### AMENDMENT OFFERED

Mr. Hines offered the following amendment to the bill, H. 436 as amended:

Amend the Substitute for H. B. 436, the title, page 1, line 10, after the word "Fund" by inserting the following:

; to provide that such tax increase shall not apply to any well producing less than 26 barrels of oil per day; and to provide that the tax increase provided for by this act shall not apply to any new well that comes into production within a period of three years after the effective date of this act.

Also on page 1, Section 1, line 30, by inserting after the word "thereafter," the following:

All wells producing less than 26 barrels of oil per day shall be taxed at the rate of four per centum (4%) of the gross value of said oil or gas at the point of production. All wells that come into production after the effective date of this Act shall be taxed at the rate of four per centum (4%) of the gross value of said oil or gas at the point of production for a period of three years after such effective date. Three years after the effective date, such tax shall then be imposed at the rate of six per centum (6%) on such wells that go into production within three years after the effective date of this Act.

And the amendment was adopted.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper,



**REGULAR SESSION**  
**15th Day**

987

Crawford, Cross, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams, Wyatt and Younce.

—36

And the bill.

H. 436. To amend Title 51, Section 431 (2) to increase the tax rate from 4% of gross value to 6% of gross value and to amend Section 431 (8) to provide that the increased collection shall be divided 50% to the Counties in which the Oil or Gas is severed and 50% to the State General Fund, to provide that such tax increase shall not apply to any well producing less than 26 barrels of oil per day; and to provide that the tax increase provided for by this act shall not apply to any new well that comes into production within a period of three years after the effective date of this act.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 0.

**Yeas:**

Mr. Speaker, Andrews, Baker, Barron, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—89

**NOTICE IN WRITING**

Mr. Smith (B) filed the following Notice in Writing:

Notice is hereby given in accordance with the House Rules that on the next legislative day a motion will be made to amend further House Rule 4 to read as follows:

Rule 4. The order of business in the House shall be:

(1) Report of the Committee on Rules.

(2) Reports of other standing committees of bills or resolutions, which shall be forthwith read by their titles a second time. In the call of committees the Speaker shall call them in their order. If the Speaker does not finish the call of committees before the House passes to other business, he shall resume on the next call where he left off.

(3) The call of districts in numerical order for the introduction of bills, resolutions, memorials, and petitions, provided, however, that no bills other than local bills that have been advertised or general bills of local application shall be introduced in the House during a regular session after the House adjourns on the 24th legislative day. If the call has not been completed by 12:00 M. the Speaker shall resume on the next day.

(4) Whenever any message is received notifying the House of the passage of Senate bills, the Clerk shall, immediately after the message is read, proceed to read the bills by title, unless the reading at length be called for by some member, in which event the bills shall be read at length and referred forthwith to a committee. The House shall then proceed with the business upon which it was engaged when the message was received. During a regular session, no bill that has originated in the House, except advertised local bills and general bills of local application, shall be sent to the Senate for its first reading after the Senate adjourns on the 26th legislative day. Provided further, that the House shall not consider a House bill which is amended in the Senate unless said bill is received from the Senate before the House adjourns on the 29th legislative day.

(5) Special Rule. The House shall not consider a House bill which is amended in the Senate during the Third Special Session of 1975 unless the bill is received from the Senate before the House adjourns on April 29, 1975, and in future special sessions of the legislature which last more than five legislative days, no House bill which is amended by the Senate shall be received by the House after the next to the last legislative day of the special session.

(6) Uncontested local bills and uncontested general bills of local application on a population basis.

(7) The unfinished business in which the House was engaged at its last adjournment.

When the hour of 12 Noon arrives, or before that hour if the call of districts has been completed, business shall proceed in the following manner:

(8) Executive messages shall have priority over other business, and as soon as they are received they shall be read by the Clerk and a proper disposition made of them; and the House shall thereupon proceed with the business engaged in when interrupted by the message.

(9) Bills and resolutions on the calendar shall be taken up at 1 P.M. on each day, unless reached earlier; and no bill or resolution on the calendar shall be taken up out of its order.

(10) No motion to carry over all bills on the calendar to reach a certain bill shall be in order unless the rules are suspended.

(11) Miscellaneous business.

#### SPECIAL ORDER RESUMED

And the bill:

H. 901. To amend Act No. 2305, Regular Session, 1971, Sections 2, 5, 6 and 9 to change the rate of taxation from (13.5¢) thirteen and one-half cents per ton to (25¢) twenty-five cents per ton, to rewrite the

**REGULAR SESSION**  
**15th Day**

989

distribution section to provide that the additional revenue shall be earmarked for the State General Fund, to amend Sections 6 and 9.

Was taken up.

**MOTION TO POSTPONE TABLED**

On motion of Mr. Pegues, the motion offered by Mr. White to postpone the bill, H. 901, to the twenty-first legislative day, was tabled.

Yeas 58; Nays 28.

**Yeas:**

Mr. Speaker, Albright, Armstrong, Biddle, Carothers, Cates, Coburn, Crawford, Cross, Dial, Drake, Falkenburg, Folmar, Ford, Goodwin, Gregg, Hall, Harrison, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Jackson (F), Jackson (R), Kelley, Kennedy, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, Manley, Martin, Merrill, Mitchem, Morris, Owens, Pegues, Plaster, Rich, Riddick, Sasser, Shelton, Shoemaker, Sparks, Trammell, Tucker, Turnham, Venable, Waggoner, Weeks, Williams and Wyatt.

—58

**Nays:**

Messrs.: Andrews, Barron, Boles, Brindley, Carter, Crowe, Greer, Harris, Hill, Hopping, Johnson, Johnstone, Jolly, Killian, Lee, Moore (O), Moore (W), Naramore, Porter, Quarles, Roberts, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, White and Younce.

—28

**RESOLUTIONS**

The following resolutions were introduced:

By Mrs. Quarles:

**H. R. 422. COMMENDING AND THANKING THE SHELBY COUNTY SHERIFF'S DEPARTMENT FOR EXCELLENCE OF SERVICE TO MOTORISTS DURING FLOOD CONDITIONS.**

WHEREAS, the Alabama House of Representatives has learned of the prompt, commendable service rendered to motorists in response to flood conditions in Shelby County, March 29, 1977; and

WHEREAS, under the direction of Sheriff C. P. "Red" Walker, his able staff performed diligently under extreme weather conditions, directing traffic to safer routes and helping those who became stranded because of the rising water; and

WHEREAS, we feel that our deep appreciation also reflects the sentiment of all the citizens of Shelby County; now therefore,

**BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA,** That we do commend and praise Sheriff Walker and his department for dedication to duty, and direct that a copy of this resolution be sent to him as a token of our appreciation.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 422, on the Clerk's desk for one legislative day.

Also:

By Mrs. Quarles:

**H. R. 423. COMMENDING MR. E. J. DAWSON FOR COMMENDABLE ACTIONS.**

WHEREAS, the Alabama House of Representatives has learned of the commendable actions of Mr. E. J. Dawson of Vincent, Alabama, in coming to the aid of our colleague in the House, Representative Marilyn Quarles, who became stranded as a result of flood conditions in Shelby County, March 29, 1977; and

WHEREAS, Mr. Dawson, with quick and unselfish response, came to the aid of Mrs. Quarles, rescued her from her rapidly flooding automobile, and pushed her car to higher ground; and

WHEREAS, all too often, these are times of unconcern for one's fellowman, and such response as that displayed by E. J. Dawson is regrettably all too rare; hence we feel the need for special recognition of such actions; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, That with high praise, we do sincerely commend Mr. Dawson and direct that a copy of this resolution be sent to him as evidence of our appreciation.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 423, on the Clerk's desk for one legislative day.

#### THE MOTION TO ADJOURN LOST

The motion offered by Mr. Morris that the House adjourn until 11:00 o'clock a.m., Thursday, March 31, 1977, was lost.

Yeas 26; Nays 47.

#### Yeas:

Messrs.: Andrews, Armstrong, Barron, Biddle, Brindley, Dial, Drake, Folmar, Ford, Gafford, Holley, Hopping, Johnson, Johnstone, Jolly, Kennedy, Leonard, Manley, Merrill, Moore (W), Morris, Porter, Tucker, Warren, Whatley and White.

—26

#### Nays:

Mr. Speaker, Baker, Callahan, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Cross, Crowe, Falkenburg, Goodwin, Greer, Gregg, Hall, Hill, Hilliard, Holmes (A), Holmes (D), Howard, Jackson (F), Jackson (R), Kinsey, Lutz, McCluskey, McCulley, McNees, Martin, Naramore, Pegues, Plaster, Rich, Roberts, Sandusky, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Turnham, Waggoner, Weeks, Williams and Wyatt.

—47

#### H. 901 RESUMED

#### MOTION TO POSTPONE TABLED

On motion of Mr. Pegues, the motion offered by Mr. Carothers to postpone the bill, H. 901, to the twentieth legislative day, was tabled.

Yeas 66; Nays 14.

#### Yeas:

Mr. Speaker, Andrews, Armstrong, Biddle, Boles, Buskey, Callahan, Campbell, Carothers, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Goodwin, Greer, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Howard, Jackson (F), Jolly, Kelley, Kennedy, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, Mc-

**REGULAR SESSION**  
**15th Day**

991

Millan, McNees, Manley, Martin, Merrill, Moore (W), Morris, Naramore, Owens, Pegues, Rich, Riddick, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Sonnier, Sparks, Tucker, Turnham, Venable, Waggoner, Weeks, Williams and Wyatt.

—66

**Nays:**

Messrs.: Barron, Brindley, Carter, Crowe, Gafford, Gregg, Hall, Holmes (D), Johnson, Killian, Plaster, Warren, White and Younce.

—14

And the bill, H. 901, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 13.

**Yeas:**

Mr. Speaker, Armstrong, Biddle, Brindley, Buskey, Carothers, Carter, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Jackson (R), Kelley, Kennedy, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (W), Morris, Owens, Pegues, Plaster, Porter, Rich, Roberts, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (M), Sonnier, Sparks, Tucker, Turnham, Venable, Waggoner, Weeks, Williams, Wyatt and Younce.

—70

**Nays:**

Messrs.: Andrews, Barron, Boles, Crowe, Harris, Johnson, Jolly, Killian, Naramore, Riddick, Smith (C), Warren and White.

—13

**PERMISSION GRANTED**

Permission was granted for the Journal to show Mr. Ford would have voted "Yea" on the bill, H. 901, had he been in the Chamber at the time of voting.

**And the bill:**

H. 964. To amend Title 51, Section 348 A, Title 51 of the Code of Alabama 1940 expanding the provisions of the foreign corporation franchise tax and to increase the foreign corporation franchise tax.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 21.

**Yeas:**

Mr. Speaker, Armstrong, Boles, Brindley, Buskey, Callahan, Carothers, Cates, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Jackson (R), Jolly, Kelley, Kennedy, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Pegues, Plaster, Porter, Rich, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Sparks, Tucker, Turnham, Venable, Waggoner, Weeks and Williams.

—64

*Nays:*

Messrs.: Andrews, Barron, Carter, Coburn, Gafford, Hopping, Johnson, Johnstone, Killian, Lee, Leonard, Moore (O), Riddick, Roberts, Smith (C), Smith (J), Smith (M), Sonnier, Warren, White and Wyatt.

—21

## UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Tucker added as co-sponsor to the bill, H. 964.

## MOTION TO ADJOURN LOST

The motion offered by Mr. Morris that the House adjourn until 11:00 o'clock a.m., Thursday, March 31, 1977, was lost.

Yeas 31; Nays 50.

*Yeas:*

Messrs.: Andrews, Armstrong, Barron, Biddle, Brindley, Buskey, Dial, Folmar, Ford, Gafford, Hall, Harris, Holley, Holmes (D), Hopping, Johnson, Kelley, Kennedy, Lee, Manley, Moore (O), Moore (W), Morris, Quarles, Smith (J), Sparks, Trammell, Venable, Warren, Whatley and White.

—31

*Nays:*

Mr. Speaker, Albright, Baker, Boles, Callahan, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Cross, Crowe, Falkenburg, Greer, Gregg, Hill, Hines, Howard, Jackson (F), Kinsey, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Owens, Pegues, Plaster, Porter, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Starkey, Turnham, Waggoner, Weeks, Williams, Wyatt and Younce.

—50

## SPECIAL ORDER RESUMED

And the bill:

H. 965. To amend Title 51, Sections 347 and 350, Code of Alabama 1940, as amended increasing the Domestic Franchise Tax and providing further for the distribution of such funds.

Was taken up.

## MOTION TO POSTPONE

Mr. White offered the motion to postpone the bill, H. 965, to the sixteenth legislative day.

## MOTION TO TABLE LOST

The motion offered by Mr. Pegues to table the motion offered by Mr. White, was lost.

Yeas 42; Nays 42.

*Yeas:*

Mr. Speaker, Biddle, Boles, Brindley, Carothers, Coburn, Cooper, Crowe, Dial, Drake, Falkenburg, Hall, Hines, Holley, Holmes (D), Howard, Jackson (F), Jackson (R), Kelley, Kennedy, Kinsey, Lee, Lewis, Lockett,

REGULAR SESSION  
15th Day

993

McCluskey, McCulley, McNees, Martin, Merrill, Mitchem, Owens, Pegues, Porter, Quarles, Rich, Sandusky, Shelton, Shoemaker, Tucker, Venable, Weeks and Wyatt.

—42

*Nays:*

Messrs.: Albright, Andrews, Armstrong, Barron, Callahan, Carter, Crawford, Cross, Ford, Gafford, Greer, Gregg, Harris, Harrison, Hill, Hilliard, Holmes (A), Hopping, Johnson, Jolly, Killian, Leonard, McMillan, Manley, Moore (O), Morris, Naramore, Plaster, Riddick, Roberts, Sasser, Smith (M), Sonnier, Starkey, Trammell, Turnham, Waggoner, Warren, Whatley, White, Williams and Younce.

—42

MOTION TO POSTPONE LOST

The question was then on the motion offered by Mr. White to postpone the bill, H. 965, to the sixteenth legislative day, and the motion was lost.

Yeas 42; Nays 51.

*Yeas:*

Messrs.: Andrews, Baker, Barron, Buskey, Carter, Cooper, Crawford, Cross, Gafford, Greer, Gregg, Harris, Holmes (D), Hopping, Johnson, Jolly, Kelley, Killian, Lee, McMillan, Manley, Mitchem, Moore (O), Morris, Naramore, Porter, Quarles, Riddick, Roberts, Sasser, Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Turnham, Waggoner, Warren, Whatley, White and Williams.

—42

*Nays:*

Mr. Speaker, Albright, Armstrong, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Crowe, Drake, Falkenburg, Folmar, Ford, Goodwin, Hall, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Howard, Jackson (F), Jackson (R), Kennedy, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Martin, Merrill, Owens, Pegues, Plaster, Rich, Sandusky, Shelton, Smith (B), Sparks, Tucker, Venable, Weeks, Wyatt and Younce.

—51

MOTION TO POSTPONE TABLED

On motion of Mr. Pegues, the motion offered by Mr. Roberts to postpone the bill, H. 965, to the seventeenth legislative day, was tabled.

Yeas 41; Nays 39.

*Yeas:*

Mr. Speaker, Armstrong, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Drake, Falkenburg, Folmar, Ford, Gregg, Hall, Harrison, Hill, Hines, Holmes (A), Jackson (F), Jackson (R), Kennedy, Leonard, Lockett, Lutz, McCluskey, McCulley, McNees, Martin, Merrill, Mitchem, Owens, Pegues, Porter, Rich, Shelton, Shoemaker, Smith (B), Tucker, Venable, Weeks and Wyatt.

—41

*Nays:*

Messrs.: Albright, Andrews, Barron, Callahan, Carter, Cooper, Crawford, Cross, Gafford, Greer, Hilliard, Holley, Hopping, Howard, Johnson, Jolly, Killian, Kinsey, Lee, Lewis, McMillan, Moore (O), Morris, Naramore,

Riddick, Roberts, Robertson, Sandusky, Smith (C), Sonnier, Starkey, Trammell, Turnham, Waggoner, Warren, Whatley, White, Williams and Younce.

—39

## MOTION TO ADJOURN LOST

The motion offered by Mr. Lee that the House adjourn until 11:00 o'clock a.m., Thursday, March 31, 1977, was lost.

Yeas 44; Nays 49.

*Yeas:*

Messrs.: Albright, Andrews, Armstrong, Baker, Barron, Brindley, Buskey, Carter, Cross, Drake, Edwards, Folmar, Ford, Gafford, Greer, Harris, Harrison, Hilliard, Holley, Holmes (A), Holmes (D), Hopping, Johnson, Jolly, Kennedy, Lee, Lewis, Lockett, McMillan, Manley, Moore (O), Moore (W), Morris, Plaster, Porter, Quarles, Sasser, Smith (J), Sparks, Trammell, Tucker, Warren, Whatley and White.

—44

*Nays:*

Mr. Speaker, Biddle, Boles, Callahan, Campbell, Carothers, Coburn, Cooper, Crawford, Crowe, Falkenburg, Goodwin, Gregg, Hill, Hines, Howard, Jackson (F), Jackson (R), Johnstone, Killian, Kinsey, Leonard, Lutz, McCluskey, McCulley, McNees, Martin, Merrill, Mitchem, Owens, Pegues, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Turnham, Venable, Waggoner, Weeks, Williams, Wyatt and Younce.

—49

## H. 965 RESUMED

## MOTION TO POSTPONE

Mr. Cooper offered the motion to postpone the bill, H. 965, to the eighteenth legislative day.

## MOTION TO TABLE LOST

The motion offered by Mr. Carothers to table the motion offered by Mr. Cooper, was lost.

Yeas 39; Nays 45.

*Yeas:*

Mr. Speaker, Biddle, Boles, Buskey, Campbell, Carothers, Coburn, Drake, Falkenburg, Folmar, Goodwin, Hall, Hill, Hines, Holmes (A), Howard, Jackson (F), Kennedy, Kinsey, Lockett, Lutz, McCluskey, McCulley, McNees, Martin, Merrill, Mitchem, Owens, Pegues, Plaster, Porter, Rich, Shelton, Sparks, Tucker, Venable, Weeks, Wyatt and Younce.

—39

*Nays:*

Albright, Andrews, Baker, Barron, Callahan, Carter, Cooper, Crawford, Cross, Edwards, Ford, Gafford, Greer, Harris, Harrison, Hilliard, Holley, Holmes (D), Hopping, Jackson (R), Johnson, Lee, Leonard, Lewis, McMillan, Manley, Moore (O), Moore (W), Quarles, Reed, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Trammell, Turnham, Waggoner, Warren, Whatley, White and Williams.

—45



**REGULAR SESSION**  
**15th Day**

995

**H. 965 POSTPONED**

The question was then on the motion offered by Mr. Cooper to postpone the bill, H. 965, to the eighteenth legislative day, and the motion was adopted.

Yeas 48; Nays 42.

**Yeas:**

Messrs.: Andrews, Armstrong, Baker, Barron, Buskey, Callahan, Carter, Cooper, Crawford, Cross, Gafford, Greer, Gregg, Harris, Harrison, Hilliard, Holley, Holmes (D), Hopping, Jackson (R), Johnson, Killian, Kinsey, Lee, Leonard, Lewis, McMillan, Moore (O), Moore (W), Morris, Quarles, Reed, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (M), Sonnier, Starkey, Trammell, Turnham, Waggoner, Warren, Whatley, White and Williams.

—48

**Nays:**

Mr. Speaker, Albright, Boles, Brindley, Campbell, Carothers, Coburn, Crowe, Drake, Falkenburg, Folmar, Ford, Hall, Hill, Hines, Holmes (A), Howard, Jackson (F), Kennedy, Lockett, Lutz, McCluskey, McCulley, McNees, Manley, Martin, Merrill, Mitchem, Owens, Pegues, Plaster, Porter, Rich, Robertson, Shelton, Smith (B), Sparks, Tucker, Venable, Weeks, Wyatt and Younce.

—42

And the bill:

H. 872. To provide that the Department of Public Safety shall provide and maintain a minimum of two personnel to protect the person of any former governor who while in office sustained bodily injury from any violent criminal act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 3.

**Yeas:**

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Carothers, Carter, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnson, Kelley, Kennedy, Killian, Lee, Lewis, McCluskey, McCulley, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—82

**Nays:** Messrs.: Harrison, Howard and Leonard.

—3

**MOTION TO ADJOURN LOST**

The motion offered by Mr. Johnson that the House adjourn until 11:00 o'clock a.m., Thursday, March 31, 1977, was lost.

Yeas 38; Nays 52.

**Yeas:**

Messrs.: Albright, Andrews, Armstrong, Barron, Brindley, Buskey, Carter, Drake, Falkenburg, Folmar, Ford, Gafford, Hall, Harris, Harrison,

Hilliard, Holley, Holmes (A), Holmes (D), Hopping, Johnson, Kelley, Kennedy, Killian, Lee, Leonard, Lewis, Lutz, Merrill, Moore (O), Moore (W), Morris, Porter, Quarles, Rich, Smith (B), Weeks and White.

—38

*Nays:*

Mr. Speaker, Baker, Biddle, Boles, Callahan, Campbell, Carothers, Coburn, Cooper, Crawford, Cross, Crowe, Greer, Gregg, Hill, Hines, Howard, Jackson (F), Jackson (R), Kinsey, Lockett, McCluskey, McCulley, McNees, Manley, Martin, Mitchem, Owens, Pegues, Plaster, Reed, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Whatley, Williams, Wyatt and Younce.

—52

### SPECIAL ORDER RESUMED

And the bill:

H. 112. To amend Section 747 of Title 37, Code of Alabama 1940, as amended, to authorize municipalities to levy an increased license tax on banks and branch banks.

As amended and with pending amendment which was postponed on the thirteenth legislative day, was taken up.

### AMENDMENT TABLED

The question was then on the amendment offered by Mr. Gafford to the bill, H. 112, on the thirteenth legislative day, said amendment being as follows:

On page 1, line 18, after the word "banks" and before the word "located" there should be added the words "having their principal place of business", so that as amended page 1, line 18, would read: "to the capital, surplus and undivided profits of the bank banks having their principal place of business located."

On motion of Mr. Crawford, the amendment offered by Mr. Gafford was tabled.

Yeas 29; Nays 17.

*Yeas:*

Messrs.: Campbell, Carothers, Coburn, Cross, Gregg, Hall, Harrison, Hill, Hilliard, Holley, Howard, Jackson (F), Jackson (R), Kennedy, Leonard, Lockett, McCluskey, McNees, Martin, Plaster, Porter, Rich, Riddick, Roberts, Sasser, Smith (B), Weeks, Williams and Wyatt.

—29

*Nays:*

Messrs.: Andrews, Armstrong, Barron, Falkenburg, Gafford, Hopping, Johnson, Manley, Moore (O), Morris, Robertson, Smith (C), Smith (J), Smith (M), Sonnier, Turnham and White.

—17

### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

REGULAR SESSION  
15th Day

997

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Bill hereinafter mentioned was delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 4:35 P.M. On March 29, 1977

H. 526 (Executive Amendment)

John W. Pemberton,  
Clerk.

ADJOURNMENT

On motion of Mr. Armstrong and pursuant to the resolution, H. R. 409, heretofore adopted, the House adjourned until 11:00 o'clock a.m., Thursday, March 31, 1977.

Yeas 40; Nays 38.

*Yeas:*

Messrs.: Albright, Andrews, Armstrong, Barron, Brindley, Buskey, Carter, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Hall, Harris, Harrison, Hilliard, Holley, Hopping, Johnson, Kelley, Lee, Lewis, Lutz, Manley, Merrill, Moore (O), Moore (W), Morris, Pegues, Porter, Quarles, Rich, Shoemaker, Smith (J), Smith (M), Sparks, Trammell, Warren and White.

—40

*Nays:*

Mr. Speaker, Baker, Boles, Callahan, Campbell, Carothers, Coburn, Crawford, Cross, Crowe, Greer, Gregg, Hill, Howard, Jackson (F), Jackson (R), Killian, Lockett, McCluskey, McCulley, McNees, Martin, Naramore, Owens, Plaster, Reed, Roberts, Robertson, Sandusky, Sasser, Smith (C), Sonnier, Starkey, Venable, Waggoner, Weeks, Williams and Wyatt.

—38

SIXTEENTH DAY

House of Representatives  
Montgomery, Alabama  
Thursday, March 31, 1977

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Thomas Lane Butts, Pastor, First United Methodist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards,

Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—100

A quorum was present.

#### REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fifteenth legislative day and finds the same to be correct.

TOM DRAKE,  
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the fifteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fifteenth legislative day was approved.

#### LEAVE OF ABSENCE

At the request of Mr. Callahan, leave of absence was granted for Mr. Glass.

#### MOTION IN WRITING

Mr. Martin filed the following Motion in Writing:

Having voted with the prevailing side on House Bill 64 on the last legislative day, I move that the vote by which said bill passed, be now reconsidered.

#### LEAVE OF ABSENCE

At the request of Mr. Crowe, leave of absence was granted for Mr. Naramore, due to the death in his family.

#### RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 424. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business for March 31, 1977, taking precedence over any other business of the House.

Report of Standing Committees

Commendation and Sympathy Resolutions

Introduction of Bills

Uncontested Local Bills

H. B. 576 p. 70 Codes

H. B. 112 p. 4 Excise Tax

H. B. 113 p. 4 Excise Tax

H. B. 485 p. 106 Alabama Student Grant Program

**REGULAR SESSION**  
**16th Day**

999

H. B. 577	p. 32	Surface Mining
H. B. 646	p. 16	Worthless Checks
H. B. 27	p. 32	Commission on Higher Education
H. B. 80	p. 5	Tuition for Children of Firemen & Policemen
H. B. 390	p. 144	University of North Alabama
H. B. 684	p. 150	Non-resident Fishing
H. B. 220	p. 8	Board of Aeronautics
H. B. 683	p. 77	Rescue Tags
H. B. 331	p. 13	Bail Bond
H. B. 606	p. 140	Retirement Systems
H. B. 476	p. 32	Sheriff Fees
H. B. 467	p. 36	School Boards
H. B. 111	p. 7	Swine Diseases
H. B. 145	p. 110	Poultry
H. B. 401	p. 29	Continuing Education
H. B. 929	p. 154	Scales
H. B. 600	p. 136	Unemployment Compensation
H. B. 151	p. 85	Elections
H. B. 233	p. 20	Water Systems
H. B. 881	p. 115	Pornography
H. B. 16	p. 14	Definition of Death
H. B. 157	p. 41	Fair Employment
H. B. 843	p. 133	Dental Scholarships
H. B. 844	p. 136	Medical Scholarships
H. B. 650	p. 150	Non-resident Hunting License
H. B. 88	p. 11	District Attorneys
H. B. 8	p. 43	Revising Ethics Act
H. B. 99	p. 20	Trapping
H. B. 308	p. 31	Sub-divisions
H. B. 832	p. 103	Medical Boards
H. B. 518	p. 12	Moose Lodge
H. B. 56	p. 16	School for Deaf & Blind
H. B. 296	p. 22	Drug Labeling
H. B. 986	p. 18	Local Boards of Education
H. B. 498	p. 70	Eastern Star
H. B. 442	p. 111	Retirement System
H. B. 274	p. 40	REA
H. B. 445	p. 73	Criminal Code
H. B. 474	p. 33	Rural Fire Fighting United
H. B. 76	p. 116	Child Support
H. B. 487	p. 115	State Employees
H. B. 710	p. 7	Exceptional School
H. B. 755	p. 18	Deeds
H. B. 1044	p. 21	Medical Clinic Boards
H. B. 301	p. 14	Limited License—Doctors
H. B. 424	p. 34	Jury
H. B. 457	p. 7	Soil Survey
H. B. 141	p. 43	Tort Liability
H. B. 479	p. 140	Public Radio Stations
H. B. 1037	p. 23	Junior College Land
H. B. 803	p. 120	School Census
H. B. 587	p. 60	Toxicologists
H. B. 310	p. 21	Foresters
H. B. 302	p. 62	Firefighters Pension Fund
H. B. 402	p. 29	Scholarship Program

**AMENDMENT OFFERED**

Mr. Johnson offered the following amendment to the resolution,  
H. R. 424:

Amend the Special Order Calendar by deleting H. B. 485 on page 106.

## AMENDMENT TABLED

On motion of Mr. Drake, the amendment offered by Mr. Johnson to the resolution, H. R. 424, was tabled.

Yeas 48; Nays 25.

*Yeas:*

Mr. Speaker, Biddle, Callahan, Cates, Clark, Crawford, Cross, Crowe, Drake, Falkenburg, Gafford, Gregg, Harris, Hines, Holmes (D), Jackson (F), Johnstone, Kelley, Kennedy, Kinsey, Lee, Leonard, Lockett, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Rich, Roberts, Robertson, Sandusky, Sasser, Shoemaker, Smith (J), Sparks, Turnham, Waggoner, Warren, Weeks, White and Younce.

—48

*Nays:*

Messrs.: Albright, Andrews, Baker, Barron, Buskey, Coburn, Dial, Ford, Hall, Hill, Holley, Hopping, Johnson, Jolly, Lewis, Lutz, McNeese, Quarles, Riddick, Shelton, Smith (B), Trammell, Whatley, Williams and Wyatt.

—25

On motion of Mr. Drake, the resolution, H. R. 424, was adopted.

Yeas 68; Nays 10.

*Yeas:*

Mr. Speaker, Andrews, Biddle, Boles, Buskey, Callahan, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Gafford, Greer, Gregg, Harris, Hill, Hines, Holmes (D), Jackson (F), Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, Lockett, Lutz, McMillan, McNeese, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Younce.

—68

*Nays:*

Messrs.: Albright, Baker, Barron, Ford, Holley, Hopping, Johnson, Leonard, Lewis and Wyatt.

—10

## MOTION IN WRITING

Mr. Roberts filed the following Motion in Writing:

Having voted with the prevailing side on House Bill 901 on the last legislative day, I move that the vote by which said bill passed, be now reconsidered.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill and Senate Joint Resolutions, your signature thereto is requested:

S. 161. To regulate the expense allowances in the Twenty-Fifth Judicial Circuit for circuit judges and the district attorney; and to make the provisions of this Act retroactive to January 16, 1977.

Also:

S. J. R. 276. MOURNING THE DEATH OF AUBURN CIVIC LEADER, ROBERT N. HOIT.

Also:

S. J. R. 280. OFFERING GOOD WISHES FOR A SUCCESSFUL CAREER FOR DAVID A. NIHART.

Also:

S. J. R. 286. CONGRATULATING MRS. ELIZABETH WHITMIRE.

Also:

S. J. R. 292. COMMENDING THE UNIVERSITY OF NORTH ALABAMA BASKETBALL TEAM.

Also:

S. J. R. 293. REQUESTING THE SECRETARY OF THE ARMY TO RECOMMEND TO PRESIDENT CARTER THE CONTINUATION OF THE TENNESSEE-TOMBIGBEE WATERWAY ON HIS REPORT ON OR BEFORE APRIL 15, 1977.

Also:

S. J. R. 295. COMMENDING NORMAN F. USSERY FOR MERITORIOUS SERVICE.

Also:

S. J. R. 296. COMMENDING MORRIS NELSON, A DEDICATED KIWANIAN.

Also:

S. J. R. 297. MOURNING THE DEATH OF JAMES W. MC-DANIEL.

Also:

S. J. R. 298. COMMENDING THE UNIVERSITY OF ALABAMA, HUNTSVILLE, BASKETBALL TEAM.

Also:

S. J. R. 299. COMMENDING THE UNIVERSITY OF ALABAMA, HUNTSVILLE, WIND ENSEMBLE.

McDOWELL LEE,  
Secretary.

#### SIGNING OF SENATE BILL AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill and Senate Joint Resolutions, the title of which are set out in the above and foregoing Message from the Senate.

#### H. 388 RECOMMITTED

On motion of Mr. Merrill, the Speaker recommitted the bill, H. 388, to the Standing Committee on Ways and Means.

## BILLS ON SECOND READING

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1057. Providing for the establishment of a family court division of the circuit court of the seventh judicial circuit; prescribing the jurisdiction of such court; providing for the selection, appointment, qualifications, tenure, and compensation of its officers, and administrative and clerical personnel and providing for the transfer of cases from all other courts in such circuit having jurisdiction of juveniles and of domestic relations cases.

H. 1078. To provide further for the compensation of the Director of the Legislative Reference Service.

H. 143. To amend Act No. 1163, H. 1829, 1973 Regular Session [Acts 1973, p. 1948; now appearing in Code of Alabama, Recompiled 1958, Title 13, Sections 522-534] known as the judicial retirement act; to allow prior service credit to certain judicial officers.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 768. (With Amendment): Amend Section 1 Act No. 35, 1969 Special Session (1969 Acts Books, Vol. 1, pp. 86-87) so as to prescribe the manner of determining teacher units for the purpose of apportioning the minimum school program fund; and to repeal and supersede conflicting laws or parts of laws.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 641. To provide for the establishment of a reserve state trooper force and places said reserve state troopers under the direction of the director of the Department of Public Safety or a member of the Alabama State Troopers and provides said reserve state troopers with the authority to carry firearms and provides insurance coverage and provides for travel expenses to be paid by the Department of Public Safety.

H. 644. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, to authorize the state to tax the severance of coal at a rate not to exceed 25 cents per ton and to prohibit the levy of such taxes by political subdivisions of the state.

The above bill was read a second time at length as required by the Constitution.

H. 1120. To amend further Code of Alabama, 1940, Title 51, Section 606, as amended, so as to reduce the privilege license tax levied against persons issuing or selling trading stamps.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the follow-



ing bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 943. (With Substitute): To amend Section 2 of Act No. 793, 1975 Regular Session) Acts of 1975, p. 1596), entitled: "An Act Relating to all counties having populations of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census; to provide for an additional secretarial assistant for the office of the district attorney and for the offices of circuit judge of the judicial circuit in which such county lies;" so as to increase the compensation of the secretarial assistant for the office of the district attorney and for the offices of circuit judge of the judicial circuit in which such county lies.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 772. To provide for a fee to be paid for filing or recording any instrument conveying real estate or any interest therein and for such fee to be forwarded to the State Treasurer; to provide for the disposition of said funds by the State Treasurer; to provide that all funds paid out by the State Treasurer shall be budgeted and allotted; and further providing that any monies in the Land Surveys Fund in excess of \$100,000.00 at the end of any state fiscal year shall be transferred into the General Fund of the State.

H. 951. To exempt Sertoma International Center for Communicative Disorders of Alabama from the payment of state, county or municipal sales or use taxes.

H. 952. To exempt Sertoma Foundation from the payment of state, county or municipal sales or use taxes.

H. 975. To fix the annual compensation of the chief justice of the supreme court, associate justices of the supreme court and judges of the courts of appeal.

H. 698. To appropriate monies from the Alabama Special Educational Trust Fund for support of "Opportunities Industrialization Centers" designed to enable certain economically disadvantaged, unemployed and underemployed persons to secure and retain employment at their maximum capacity and to prescribe regulations applicable to the expenditure of such monies.

H. 699. To provide an office of central registry within the Department of Pensions and Security for the location of absent parents who fail to support their children, and to define certain duties of said office.

H. 65. To create a commission to study and improve the management effectiveness and efficiency of the public system of higher learning; to make an appropriation from the Alabama Special Educational Trust Fund to carry out the provisions of this Act.

H. 271. To exempt certain sports organizations from all state, county and municipal taxes.

H. 279. To provide that any teacher or employee of a public school system, the State Board of Education, the State Department of Education, State Senior Universities, State Junior Colleges, State Vocational

Technical Colleges, or any other State educational institution or agency shall, if incapacitated as a direct result of an on-the-job injury, continue, for a period of not more than two years during such incapacity, to draw his full salary reduced by the amount of any workmen's compensation benefits (exclusive of medical payments or reimbursements) received during such two-year period; and to authorize standards for carrying out the provisions of this Act.

H. 295. Relating to the thirteenth judicial circuit; providing for an additional circuit court judge in such circuit and prescribing the duties, authority, and compensation of such judge.

H. 918. To create the office of Deputy District Attorney No. 6 of the Sixth Judicial Circuit and provide for the appointment, duties, and compensation of such office.

H. 919. To provide for compensation of Deputy District Attorneys No. 4, No. 5, and No. 6 of the Sixth Judicial Circuit.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 1031. (With Amendment): To amend Sections 2 and 4 of Act No. 871, S. 795, 1975 Regular Session (Acts 1975, p. 1714) an act which provides for protection for the Governor and certain other State officials and distinguished visitors to the State by the State Department of Public Safety, so as to add the Chief Justice of the Supreme Court of Alabama to the designated officials to be protected.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1122. Providing that certain court officials and employees shall have the option to elect not to participate in certain retirement systems and supernumerary systems heretofore provided for by law for such officials and employees.

H. 107. To repeal Sections 420, 421, and 422 of Title 14, Code of Alabama 1940, Recompiled 1958, relative to certain acts which are prohibited on Sundays.

H. 638. To provide for the qualifications and selection of jurors; to provide for a master list, master jury box and trial court box; to provide for qualification forms and the questionnaires to be used thereon; and to repeal Sections 3, 4, 15, 18, 20, 21 and 24 of Title 30 of the Code of Alabama.

H. 268. To amend Title 15, Section 389, Code of Alabama 1940 (Recompiled 1958), concerning the scope of appellate criminal review by the supreme court and the court of criminal appeals, to require that such courts consider any disproportionate severity of sentence (except in case of an agreed sentence or a death sentence) as a ground for review; to require that, in any such case, such courts review all evidence and other material considered in the assessment of the sentence; and to require that the reviewing court remand any case of disproportionately severe sentence to the trial court for reconsideration, reduction, or both, of the sentence, and for a new judgment in accordance with the instructions of the reviewing court.

## 16th Day

H. 241. Providing that the judge of any court of Alabama may tax as costs the expense of depositions which are reasonably necessary to the case.

H. 245. To define "Speedy trial" as used in the Constitution of Alabama 1901, providing any defendant is entitled to a speedy trial within six months from the original indictment, and prescribing conditions for a continuance beyond six (6) months.

H. 248. Further regulating the traffic in narcotic drugs by forbidding unauthorized transportation or conveying of such drugs and providing that any vehicle, boat, aircraft or other conveyance used in the illegal carrying or transportation of narcotic drugs shall be contraband and forfeited to the State of Alabama in the manner prescribed in this Act.

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 954. (With Amendment): Providing immunity from any civil damages for doctors who, pursuant to state law, give immunization shots to children prior to their entry into any kindergarten or public or private school in Alabama.

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 1130. To amend the Title and Sections 401, 402, 403, 404, 407, 504, 505 and 506 of Act No. 1407, S. 414 of the 1971 Regular Session, as amended, [1971 Acts, p. 2378; appearing in Code of Alabama, 1940, Recompiled 1958, Title 22, Section 258(25)] entitled, "An Act To provide a Uniform Alabama Controlled Substances Act for preventing drug abuse and drug dependence, to standardize all laws in this state to be in conformity with the new Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, and to repeal existing state statutes in conflict," so as to prescribe different penalties for different violations of the Alabama Uniform Controlled Substances Act; to provide that it shall be unlawful to manufacture, produce, prepare, propagate, compound, synthesize or process a drug or other substance which yields a substance, the possession, sale or distribution or transfer of which would be an act in violation of the Alabama Uniform Controlled Substances Act, except as to authorized registrants; to provide for forfeitures, seizures, and searches and seizures; to further provide for rules and regulations pertaining to administering, dispensing, and prescribing of controlled substances by practitioners; to provide for Section 506 relating to suspension of sentence and probation; and to provide for joinder of offenses and defendants.

Mr. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 336. (With Amendments): To require that governing boards of educational systems or institutions cooperatively develop a grievance procedure with its employees and that such a procedure shall be adopted by June 1, 1978.

## 16th Day

Mr. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 59. To amend Code of Alabama of 1940, Title 52, Sections 358, 359, and 361, as last amended, which relate to teacher employment, so as to further regulate employment contracts of teachers and cancellations thereof, the rights of teachers and employing boards relative to contracts, cancellations, suspensions and transfers of teachers, reviews, and other remedies; and to repeal conflicting laws.

Mr. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 305. (With Amendment): To require that after September 1, 1979, all principals shall be full-time principals and shall not be scheduled to teach more than one class period per day.

Mr. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 594. To amend Section 17 of Title 52, Code of Alabama 1940, so as to include the optional teaching of the course of sign language in high schools in addition to other courses of study as may be prescribed by the state board of education.

H. 389. To amend Sections 1, 2, 3, 4, 6, 10, 11, and 12 of Act No. 773 of the 1967 Regular Session (Acts 1967, Vol. II, p. 1631), which act creates a board of trustees to manage and control Florence State College and relates to their powers, duties, authority and compensation, so as to change the name of the institution and to change the numbered districts from which the members of the board of trustees are chosen.

S. 49. To amend Section 2 of Act No. 512, S. 128, Regular Session 1976 (Acts 1976, p. 640) so as to exempt from the application of the Alabama Sunset Law of 1976 institutions of higher education.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 1093. To provide judges of municipal courts with the authority to grant limited driving privileges in certain cases until December 27, 1977, the effective date of Sections 8-101 through 8-119 of Act No. 1205, S. 400, 1975 Regular Session (Acts of 1975, p. 2384).

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1018. Relating to Butler County; to amend Sections 1 and 3 of Act No. 942, H. 1828, 1975 Regular Session (Acts of 1975, p. 1968) re-

REGULAR SESSION  
16th Day

1007

lating to salaries for certain county officers, so as to delete the provisions relating to circuit clerk and to add a provision for expense allowances.

H. 1019. Relating to Butler County; relating to service of process by the sheriff of Butler County; authorizing the sheriff to mail subpoenas for witnesses and for jury duty, grand and petit, and notices of appointment to election officials by certified mail, postage prepaid; and authorizing the county governing body to make expenditures from the county general fund for such purpose.

H. 1052. Relating to Clarke County, fixing the fee for issuance of a pistol permit by the Sheriff, and providing for the deposit and use of such fees.

H. 1075. Relating to Lauderdale County; authorizing and regulating the issuance in Lauderdale County of motor vehicle license tags, tabs, discs or other devices, evidencing the payment of fees and taxes by mail; authorizing a fee to be charged for such mail order service.

H. 1099. To propose an amendment to the Constitution of Alabama providing for home rule for Lauderdale County or any municipality within Lauderdale County.

The above bill was read a second time at length as required by the Constitution.

H. 1107. To alter or rearrange the boundary lines of the City of Daleville, Dale County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits, and also certain other territory in Dale County, Alabama.

H. 1121. Relating to counties having a population of not less than 10,660 nor more than 10,900 according to the 1970 or any subsequent federal decennial census; to provide for the payment of certain expenses for the Judge of Probate and Chief Clerk.

H. 1084. Relating to all counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; setting the salary of the clerk of the jury commission in such counties, retroactive to March 1, 1976, payable out of the funds of the county treasury.

H. 1124. Relating to all counties having populations of not less than 56,500 nor more than 59,000 inhabitants according to the 1970 or any subsequent federal decennial census; authorizing the county board of education of any such county to spend public funds to provide office furniture and office equipment and the necessary repair of said office furniture and office equipment as required by the county superintendent of education and his assistants.

S. 524. Relating to the thirty-fourth judicial circuit, providing the district attorney of said circuit an annual expense allowance payable by the county composing said circuit.

S. 549. Relating to all counties having a population of not less than 13,000 nor more than 13,250 inhabitants according to the 1970 or any subsequent federal decennial census; to provide further for the use of the sheriff's fund in such counties and to repeal conflicting statutes.

MOTION TO RECONSIDER TABLED

Having voted on the prevailing side and previously filed a Motion in Writing, Mr. Martin offered the motion to reconsider the vote by

which the bill, H. 964, was passed, and on motion of Mr. Pegues, the motion to reconsider offered by Mr. Martin, was tabled.

Yeas 44; Nays 39.

*Yeas:*

Messrs.: Albright, Armstrong, Baker, Buskey, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Hall, Hilliard, Hines, Holmes (D), Jackson (R), Johnson, Johnstone, Jolly, Kennedy, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Pegues, Plaster, Quarles, Robertson, Sasser, Shelton, Shoemaker, Smith (B), Smith (J), Sparks, Tucker, Venable, Williams and Wyatt.

—44

*Nays:*

Mr. Speaker, Andrews, Barron, Biddle, Boles, Campbell, Carter, Dial, Ford, Gafford, Greer, Gregg, Harris, Hill, Hopping, Jackson (F), Kelley, Killian, Lee, Leonard, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Rich, Riddick, Roberts, Smith (C), Trammell, Turnham, Waggoner, Warren, Weeks, Whatley, White and Younce.

—39

## RESOLUTIONS

The following resolutions introduced on the fifteenth legislative day were read by title pursuant to Joint Rule 11:

H. J. R. 410. COMMENDING MR. JIM OAKLEY, JR., OUTSTANDING MEMBER OF ALABAMA'S NEWSPAPER INDUSTRY.

H. J. R. 411. COMMENDING WEST MORGAN HIGH SCHOOL ON THEIR REGION 7, 2A BASKETBALL CHAMPIONSHIP.

H. J. R. 412. COMMENDING DANVILLE HIGH SCHOOL ON THEIR REGION 8, 1A BASKETBALL CHAMPIONSHIP.

H. J. R. 414. COMMENDING THE CHARLES HENDERSON HIGH SCHOOL DEBATE TEAM.

H. R. 419. COMMENDING MR. AND MRS. J. LOYD PARKER.

H. R. 420. COMMENDING MR. AND MRS. VERNON F. TOBIN.

H. R. 421. IN PRAISE AND COMMENDATION OF THE RANDOLPH COUNTY RESCUE SQUAD.

H. R. 422. COMMENDING AND THANKING THE SHELBY COUNTY SHERIFF'S DEPARTMENT FOR EXCELLENCE OF SERVICE TO MOTORISTS DURING FLOOD CONDITIONS.

H. R. 423. COMMENDING MR. E. J. DAWSON FOR COMMENDABLE ACTIONS.

On motion of Mr. Crowe, the resolutions were adopted en masse.

## RESOLUTIONS

The following resolutions were introduced:

By Mr. Folmar:

H. J. R. 425. NAMING THE NEW NATIONAL GUARD ARMORY IN TROY, ALABAMA THE "RALPH WYATT ADAMS NATIONAL GUARD ARMORY".

WHEREAS, Ralph Wyatt Adams has completed thirty-four years of distinguished service in the military; and

WHEREAS, Ralph Wyatt Adams has served the state and the nation in the National Guard as Assistant Adjutant General of the Alabama Air National Guard and as Acting Chief of Staff of the Alabama Air National Guard; and

WHEREAS, Ralph Wyatt Adams has served many years as a member of the American Legion and is Past Commander of the Montgomery Post No. 2 and is presently a member of the Troy Post No. 70 and a member of the American Legion Boys State Committee; and

WHEREAS, Ralph Wyatt Adams has been instrumental in bringing a new National Guard unit and a new armory to the City of Troy; and

WHEREAS, Ralph Wyatt Adams was instrumental in securing land for a new armory building and is therefore responsible for the actual location of the proposed armory; and

WHEREAS, Ralph Wyatt Adams has been an ardent supporter of all facets of the National Guard, has shown a special pride in the National Guard and in the planning of the new armory and has contributed substantially to establishing an excellent relationship between the National Guard and the City of Troy;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES CONCURRING, that the new National Guard Armory to be constructed in the City of Troy, Alabama, be named the "Ralph Wyatt Adams National Guard Armory" in honor of Ralph Wyatt Adams, and that the Alabama National Guard is directed to cause appropriate signs and markers to be erected and maintained in designating said National Guard Armory after Ralph Wyatt Adams.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent by the Clerk of the House to Dr. Ralph Wyatt Adams and the Alabama National Guard.

On motion of Mr. Folmar, the rules were suspended and the resolution, H. J. R. 425, was adopted.

Also:

By Mr. Hill:

H. J. R. 426. CREATING AN INTERIM STUDY COMMITTEE ON CHILD ABUSE.

WHEREAS, there is a great and pressing need for a comprehensive study of the problem of child abuse in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim study committee on child abuse which shall make a comprehensive study of both the criminal and civil aspects of child abuse and formulate comprehensive legislative recommendations designed to help remedy the problems of child abuse in this state. Such committee shall be composed of five members, three members of the House and two members of the Senate to be appointed by the presiding officer of their respective houses. The presiding officer of the House shall appoint a chairman and the presiding officer of the Senate shall appoint a vice chairman. Three members of the committee shall constitute a quorum to transact business.

Upon the request of the chairman, the clerk of the House and Secretary of the Senate shall provide such clerical assistance as may be necessary for the committee's work.

The committee shall report its findings and recommendations not later than the first legislative day of the 1978 Regular Session of the Legislature, whereupon the committee shall be dissolved. Members of the committee shall be entitled to their regular legislative compensation, per diem and travel expenses for each day of attendance at a meeting of the committee; however not more than \$2500 shall be payable to the committee for its meetings. The compensation, per diem and travel expenses, as herein limited, shall be paid out of any funds appropriated to the use of the legislature for such purposes, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman.

#### MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Hill to suspend the rules and adopt the resolution, H. J. R. 426, was lost.

The resolution, H. J. R. 426, was read and referred to the Standing Committee on Rules.

Also:

By Messrs. Lockett, Pegues and Edwards:

H. J. R. 427. COMMENDING THE SELMA HIGH SCHOOL SAINTS ON WINNING THE STATE 4A CROWN.

WHEREAS, on March 12, 1977, at the University of Alabama's Memorial Coliseum, the Selma Saints surmounted an overwhelming 13 point deficit to defeat Hayes of Birmingham 63-57, scoring seven points in the final five seconds of the game to capture the State High School 4A Basketball Championship; and

WHEREAS, this outstanding Selma, Alabama team defeated three Birmingham schools in a row plus Tuscaloosa's Druid High in their phenomenal rise to the state championship; they ended the season with a 29-4 record, their first state crown in 31 years and the first 4A championship for a South Alabama team since 1967; and

WHEREAS, Head Coach James Booth, who is leaving at the end of this year to become basketball coach at George C. Wallace Community College, and assistant Coach A. A. Sewell, must be recognized for their talented leadership and direction, greatly responsible for the brilliant and skillful play of each and every member of the team; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate and commend the Selma High School Basketball team on their championship and direct that copies of this resolution be sent to Coach Booth, Coach Sewell and to each team member.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 427, on the Clerk's desk for one legislative day.

Also:

By Mr. Holmes (D):

H. J. R. 428. URGING THE DEPARTMENT OF REVENUE TO PROVIDE A TOLL-FREE NUMBER FOR CITIZENS OF THE STATE



**OF ALABAMA TO CALL FOR STATE INCOME TAX INFORMATION AND ADVICE.**

WHEREAS, tax regulations are complex and ever-changing; and

WHEREAS, there is a great need among taxpayers for accurate, up-to-date information concerning state income tax; and

WHEREAS, citizens of the State of Alabama currently have little access to such information; and

WHEREAS, the State of Alabama is responsible for providing service and assistance to its citizens; and

WHEREAS, the Internal Revenue Service provides a toll-free telephone service to help in the preparation of federal income tax returns; and

WHEREAS, a tremendous need exists for a similar service for state income tax; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we strongly urge the Department of Revenue to establish and maintain the service of a toll-free number for citizens of the State of Alabama to call for state income tax information and advice.

**BE IT FURTHER RESOLVED,** That such a service be provided without the necessity of additional funds and be established and ready for use in time for 1977 state income tax returns.

On motion of Mr. Holmes (D), the rules were suspended and the resolution, H. J. R. 428, was adopted.

Yeas 51; Nays 5.

Yeas:

Messrs.: Andrews, Armstrong, Baker, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Dial, Edwards, Falkenburg, Goodwin, Hall, Hilliard, Hines, Holley, Holmes (D), Jackson (R), Johnson, Johnstone, Killian, Kinsey, Leonard, Lewis, Lockett, McCluskey, McNair, McNees, Martin, Merrill, Mitchem, Owens, Pegues, Quarles, Rich, Riddick, Roberts, Sandusky, Shoemaker, Smith (C), Smith (J), Waggoner, Whatley, Williams and Younce.

—51

Nays: Messrs.: Gafford, Lutz, Weeks, White and Wyatt.

—5

Also:

By Messrs. Biddle, Waggoner, Boles and Hall:

**H. J. R. 429. CONGRATULATING JEFFERSON STATE'S GIRLS GYMNASTIC TEAM ON THEIR NATIONAL CHAMPIONSHIP.**

WHEREAS, the Legislature of Alabama notes with pleasure and pride that on March 26, 1977, Jefferson State's Girls Gymnastics Team won the 1977 National Junior College Gymnastics Championship; their superior overall performance as a team left no doubt as to victory to the many thrilled spectators on hand for the National Junior College Athletic Association meet held on the Birmingham campus; and

WHEREAS, individually, freshman Marti Griffith from Huntsville was declared the overall champion by virtue of total points won in all

four events—vault, uneven parallel bars, balance beam and floor exercise; Amy Nash, Birmingham freshman, placed 3rd individually; Debra Bodley of Hartselle, Alabama, was 4th and Brenda Fogleman from Homewood, a sophomore and the only team member who will not be returning next year, was named 5th in individual competition; other team members also earning points were “Pioneers” Vincintia Caterinichia and Cathy Jemison, both of Birmingham; and

WHEREAS, more honor was yet to come as four from Alabama’s Jefferson State—Debra Bodley, Marti Griffith, Amy Nash and Brenda Fogleman—were named All-American Junior College Gymnasts; and

WHEREAS, the champion “Pioneers” achieved these outstanding awards under the able direction of Tom Henderson, a Gadsden native who is chairman of the Health, Physical Education and Recreation Department and who inaugurated this program at Jefferson State in 1967 and has served as coach since that time; Bob Moore is Coach Henderson’s competent assistant; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly commend and congratulate the gymnasts from Jefferson State for both their team and individual championships won at the NJCAA meet in Birmingham, bringing honor and prestige not only to themselves, but to their coaches, their school and their state.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to President George L. Layton, who has supported and encouraged the gymnastics program from its inception, to Coach Henderson and Coach Moore, and to each member of the team.

On motion of Mr. Biddle, the rules were suspended and the resolution, H. J. R. 429, was adopted.

Also:

By Mr. Manley:

H. R. 430. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when the House adjourns today it will adjourn to meet again on Tuesday, April 5, 1977 at 1:00 P. M.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 430, was adopted.

Also:

By Mr. McCluskey:

H. J. R. 431. CONGRATULATING MISS CARLA PARKER ON BEING NAMED “MISS COOSA COUNTY.”

WHEREAS, the Legislature of Alabama is pleased to note that on March 19, 1977, Miss Carla Parker of Weogufka, Alabama captured the title of Miss Coosa County and also won the talent award; she was presented a trophy and crown, a cash award, a scholarship and gifts from local merchants and those in surrounding counties; and

WHEREAS, this beautiful and charming high school senior who plans to attend Nunnelley State Technical College to study data processing, also holds the titles of Miss Weogufka High School of 1975, Junior Miss Coosa County of 1976, Coosa County Farm Bureau Queen for 1976 and Miss Labor Day 1976; other honors include first alternate talent winner in the 1976 County Farm Bureau Contest, and second

REGULAR SESSION  
16th Day

1013

alternate and evening gown competition winner in the Miss Lake Martin contest for 1976; and

WHEREAS, Miss Parker, whose hobbies include singing, playing piano, swimming, bowling and reading, is further deeply involved in FHA and 4-H Club activities as well as serving as Student Council Secretary, Senior Class Secretary, Yearbook Staff Member, Pep Club member, Junior Cheerleader for three years, Varsity Cheerleader for two years and Head Cheerleader for one year; she is a member of Old-field Baptist Church and soloist with the church choir; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate Carla Parker, Miss Coosa County for 1977, commend her for numerous other awards and honors, and direct that a copy of this resolution be sent to her and to her parents, Mr. and Mrs. Ralph Parker of Weogufka.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 431, on the Clerk's desk for one legislative day.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Callahan:

H. 1136. Relating to all counties having a population of not less than 300,000 nor more than 600,000 according to the 1970 or any subsequent Federal decennial census; providing for the payment by the county of expense allowances for members of the county commission.

Local Legislation No. 3.

By Mr. Warren (With Notice and Proof):

H. 1137. Relating to Conecuh County; providing further for hospital service for the indigent in such county; authorizing the hospital board certain authority in order to induce physicians to serve on the staff and practice as staff members of the hospital and in the county; and making its provisions retroactive to September 30, 1975.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1137, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Warren (With Notice and Proof):

H. 1138. Relating to Conecuh County; authorizing the county governing body to hold a referendum for the purpose of determining whether or not the said governing body of Conecuh County may levy and collect an additional gasoline tax equalling one cent per gallon; and providing for the revenues thereby generated be paid into the county for the purpose of constructing, maintaining and repairing county roads.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1138, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. McNees:

H. 1139. To amend Act No. 833, H. 1791, Regular Session 1973 (Acts 1973, p. 1329) which act relates to certain compensation and expense allowance provisions for superintendents and members of county boards of education in counties having populations of not less than 14,000 nor more than 15,000 inhabitants according to the 1970 or any subsequent federal decennial census, so as to provide for an expense allowance for members of such boards.

Local Legislation No. 1.

By Mr. McNees:

H. 1140. Relating to all counties having populations of not less than 14,000 nor more than 15,000 inhabitants according to the 1970 or any subsequent federal decennial census; fixing the fee for the issuance of pistol permits; providing for the deposit of such fees in a fund to be designated the sheriff's fund and providing for the use of such fund.

Local Legislation No. 1.

By Messrs. Moore (O), Waggoner and Smith (C):

H. 1141. Relating to counties having populations of not less than 36,500 nor more than 39,200 according to the 1970 or any subsequent federal decennial census; to allow tax assessment on a year round basis in any such county and to require the probate judge to notify the tax assessor of any deed recording transaction within 30 days of the recording date by sending a copy of instruments recorded.

Local Legislation No. 1.

By Messrs. Clark and Robertson (With Notice and Proof):

H. 1142. To authorize the establishment of branch banks in Pickens County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1142, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Armstrong and Howard (With Notice and Proof):

H. 1143. To set the salaries of the President of the Commission or Board of Commissioners of the City of Bessemer and the members of such Commission or Board other than the President and to provide the method of payment.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1143, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Falkenburg:

H. 1144. To amend Section 2, as amended, Section 3, as amended, Section 4, Section 7, Section 8, as amended, and Section 16 of Act No. 865, H. 138, 1961 Regular Session (Acts of 1961, p. 1349, now appearing in Code of Alabama, Recompiled 1958, Title 46, Sections 331, 332, 333, 336,

REGULAR SESSION  
16th Day

1015

337, and 345), relating to the formation of unincorporated associations for the purpose of rendering professional service; so as to further regulate such associations.

Health.

By Mr. McCluskey:

H. 1145. To provide for renaming of positions and setting and payment of salaries of an administrative assistant and two secretaries to the district attorney in all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Local Legislation No. 1.

By Mrs. Quarles:

H. 1146. To make a supplemental appropriation from the general fund of the state treasury, for the fiscal year ending September 30, 1977, to the Continuing Women's Commission for its operation and study in women-related areas.

Ways and Means.

By Mr. Whatley:

H. 1147. To provide for the leasing of board of corrections land for farming purposes by means of competitive public bids, to natural persons who are residents of the State of Alabama.

State Administration.

By Messrs. McCluskey, Morris and Armstrong:

H. 1148. To regulate certain marine dealership practices in the State of Alabama.

Conservation.

By Mr. Hines (With Notice and Proof):

H. 1149. To provide for the establishment of a merit system for certain county and municipal law enforcement officers in Escambia County, Alabama, and a merit system board governing the removal and official conduct of such officers; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1149, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Cooper:

H. 1150. To amend the title and Sections 1, 5 and 6 of Act No. 36, H. 56, First Special Session 1965, (Acts of 1965, p. 54) so as to further regulate the reidentification of voters in certain counties based on population.

Local Legislation No. 3.

By Mr. Cooper:

H. 1151. To amend Act No. 1229, H. 638, 1975 Regular Session [Acts 1975, p. 2582], known as the Small Business Assistance Act, so as to create an Office of Small and Minority Business Enterprise, to provide powers and duties of the office; and to make an appropriation.

Ways and Means.

By Mr. McMillan:

H. 1152. To authorize the state forester to establish a steering committee to represent rural community fire departments and to define the duties of said committee.

State Administration.

By Messrs. McMillan and Kinsey:

H. 1153. To provide for the creation and establishment of the Alabama Fire Service Commission, and to provide for the membership of the Commission; to prescribe the powers and authority of the Commission; and to make appropriation therefor.

Ways and Means.

By Mr. Gregg:

H. 1154. Relating to those cities having a population of not less than 70,000 nor more than 300,000 inhabitants according to the 1970 or any subsequent Federal Decennial Census; to authorize the governing bodies of such cities, where the Board of Education of such cities is elected by popular vote of the qualified electors thereof, to submit to the qualified electors of such cities at any regular or special municipal election, the question of levying any privilege license taxes authorized by Article 3 of Chapter 15, Code of Alabama, 1940, and also the question of levying any sales and use taxes authorized by Act No. 917, H. 1307, of the 1969 Regular Session of the Legislature of Alabama, to be used exclusively for public school purposes; to provide procedures and conditions relative to holding such elections and to provide that upon the affirmative vote of the qualified electors, the governing bodies of such cities may, by ordinance, levy such privilege license taxes and sales and use taxes, and earmark the same to be used exclusively for public school purposes.

Local Legislation No. 4.

By Mr. Gregg:

H. 1155. Relating to cities having populations of not less than 135,000 nor more than 185,000 inhabitants according to the 1970 or any subsequent federal decennial census; authorizing such cities to provide by ordinance maximum limits with respect to the weight, height, width and length of motor trucks, semitrailer trucks and trailers in connection with use or operation of said vehicles upon any public street or highway maintained exclusively by such cities.

Local Legislation No. 4.

By Mr. Gregg:

H. 1156. To amend further Section 32 of Act No. 100, H. 94, 1959 Regular Session (Acts of 1959, p. 298), now appearing in Section 786(33), Title 51, Code of Alabama 1940, so as to provide that a certain percentage of the sales tax proceeds shall be paid to the several county boards of education of the state.

Ways and Means.

By Mr. Gregg:

H. 1157. To amend Sections 7 and 9 of Act No. 37, H. 175, of the 1969 Special Session of the Legislature of Alabama (Acts 1969, p. 94), so as to provide further for the collection and disposition of certain utility excise taxes levied under said Act.

Ways and Means.

REGULAR SESSION  
16th Day

1017

By Messrs. Gregg, Drake, Cross, Riddick, Moore (O), Biddle, Boles, Kelley and Lutz:

H. 1158. Amending Title 30, Section 40 of the Code of Alabama, 1940, relating to the establishment of foreign trade zones so as to authorize county and municipal governing bodies and private and public corporations to establish and operate such zones at all ports of entry within the State of Alabama.

Commerce and Transportation.

By Mr. McNair:

H. 1159. To provide and regulate a tax exemption for annexed territory of incorporated municipalities with populations of 2,000 or more in any county having a population of 600,000 or more according to the 1970 or any subsequent federal decennial census.

Local Legislation No. 2.

By Mrs. Quarles:

H. 1160. To provide state wide limitations and regulations for municipal ordinances levying occupational license fees on certain citizens; to provide that such ordinances shall be approved by a legislative committee before taking effect; and to repeal all conflicting statutes.

Local Government.

By Mr. Falkenburg:

H. 1161. To provide that any individual, group, or hospital service corporation policy of health insurance which is issued within this state, whether written for single or family coverage, shall include provisions for complete maternity care of women and their fetuses.

Insurance.

By Mr. Waggoner:

H. 1162. To regulate employment in certain phases of the business of rendering cleaning services; to require fingerprinting and investigation of persons employed in such services who will, in connection with their duties, have access to the premises of others and to authorize employers of such persons to require them to submit to a polygraph test, when, in the opinion of the employer, this is needed; to require each such person to file written application for such employment, stating, under oath, certain information about himself; to place certain duties on employers of such persons and to authorize them to refuse to employ applicants or to terminate employment under certain circumstances; to prescribe the effective date of this act as to present and as to future employees in such business; and to prescribe penalties.

State Administration.

By Mr. Hill:

H. 1163. To provide that the use of a firearm in the commission or attempted commission of certain felonies shall be punishable by certain mandatory penalties which shall be in addition to any sentence imposed for the felony committed.

Judiciary.

By Mr. Smith (J):

H. 1164. Relating to all counties having a population of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census, to authorize the county governing body to allocate county funds to local rescue squads.

Local Legislation No. 1.

By Messrs. Sasser and White:

H. 1165. To provide for privileged communication between a licensed physician, as herein defined, and his patients.

Health.

By Mr. Owens (With Notice and Proof):

H. 1166. To provide that the total cost of funding said benefits be borne with the electing employer unit and its employees subject to this Act; and to provide that such plan be optional with such employee.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1166, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

### RESOLUTIONS

The following resolutions were introduced:

By Mr. Smith (M):

H. R. 432. Commending Mr. & Mrs. Charlie Lowe.

WHEREAS, Mr. and Mrs. Charlie Lowe were legally joined together in holy matrimony; and

WHEREAS, they have remained in said holy state for over one-half century; and

WHEREAS, they have honored their marriage vows of so long ago and kept each other in sickness and in health; and

WHEREAS, they have loved and honored each other above all other people and defended each other against all things injurious; and

WHEREAS, they have been exemplary citizens of this County and have set an enviable example for posterity to follow:

NOW, THEREFORE, BE IT RESOLVED, that the Alabama House of Representatives does hereby acknowledge the sublime example set by Mr. and Mrs. Charlie Lowe over the last one-half century; and

BE IT FURTHER RESOLVED, that the State of Alabama does on this occasion take time to gratefully thank Mr. and Mrs. Charlie Lowe for all their enduring efforts to make this world a better place to live; and

BE IT EVEN FURTHER RESOLVED, that the date of the consummation of their marriage be hereafter and forevermore celebrated as Mr. and Mrs. Charlie Lowe Memorial Day. Also be it resolved, that a copy of this resolution be sent to Mr. and Mrs. Charlie Lowe.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 432, on the Clerk's desk for one legislative day.

Also:

By Mr. Smith (M):

H. R. 433. Commending Rev. & Mrs. Herman E. Weston, Sr.



WHEREAS, Mr. and Mrs. H. Weston, Sr. were legally joined together in holy matrimony; and

WHEREAS, they have remained in said holy state for over one-half century; and

WHEREAS, they have honored their marriage vows of so long ago and kept each other in sickness and in health; and

WHEREAS, they have loved and honored each other above all other people and defended each other against all things injurious; and

WHEREAS, they have been exemplary citizens of this County and have set an enviable example for posterity to follow:

NOW, THEREFORE, BE IT RESOLVED, that the Alabama House of Representatives does hereby acknowledge the sublime example set by Mr. and Mrs. H. Weston, Sr. over the last one-half century; and

BE IT FURTHER RESOLVED, that the State of Alabama does on this occasion take time to gratefully thank Mr. and Mrs. H. Weston, Sr. for all their enduring efforts to make this world a better place to live; and

BE IT EVEN FURTHER RESOLVED, that the date of the consummation of their marriage be hereafter and forevermore celebrated as Mr. and Mrs. H. Weston, Sr. Memorial Day. Also be it resolved, that a copy of this resolution be sent to Mr. and Mrs. H. Weston, Sr.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 433, on the Clerk's desk for one legislative day.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 433. To amend further Code of Alabama 1940, Title 38, Section 77, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

McDOWELL LEE,  
Secretary.

#### RESOLUTION

The following resolution was introduced:

By Messrs. Holmes (A) and Crowe:

H. J. R. 434. COMMENDING ROBERT W. JONES FOR HIS MANY CONTRIBUTIONS TO THE CIVIC, RELIGIOUS AND POLITICAL AFFAIRS OF HIS COMMUNITY.

WHEREAS, the Legislature of Alabama notes with admiration the many and varied activities of Mr. Robert W. Jones, Jr., of Demopolis, Alabama, which have served to contribute immeasurably to the betterment of his community and the well-being of his fellow citizens; and

WHEREAS, Mr. Jones has served tirelessly, giving generously of his time and talents in all facets of community affairs; he is actively and deeply involved in the many good works of his church, in a vast number of civic projects, and in the political arena with particular emphasis on the voter registration efforts in Marengo County; now therefore,

## 16th Day

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we sincerely commend Mr. Robert W. Jones, Jr., of Demopolis, Alabama, for his years of service to his community and to his fellow citizens.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Jones that he may know of our warm praise.

On motion of Mr. Holmes (A), the rules were suspended and the resolution, H. J. R. 434, was adopted.

## SPECIAL ORDER

The House then proceeded with the consideration of the Special Order.

And the bill:

H. 254. (With Amendment): To provide for the election of recorders court judges in any city having a population of 300,000 or more inhabitants according to the most recent federal decennial census; to prescribe the term and qualifications for said judges; and to repeal all conflicting statutes.

Was taken up.

## H. 254 POSTPONED

On motion of Mr. Hilliard, the bill, H. 254 with pending substitute, was postponed to the twenty-third legislative day.

And the bill:

H. 462. To authorize any municipality having two hundred fifty thousand inhabitants or more according to the last or any subsequent federal census to sell and regulate the sale of stolen, abandoned, lost or unclaimed personal property.

Which was taken up on the fifteenth legislative day, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 27; Nays 3.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Buskey, Falkenburg, Greer, Harris, Hill, Hopping, Howard, Jackson (R), Johnstone, Jolly, Kennedy, Lewis, Lutz, McNees, Manley, Moore (O), Plaster, Quarles, Roberts, Sasser, Trammell, Waggoner, White and Younce.

—27

Nay: Messrs.: Hall, Leonard and McNair.

—3

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 941. To prohibit any municipality subject to the provisions of a civil service law or merit system within any county of the State of Alabama having a population of 500,000 or more inhabitants according to the

REGULAR SESSION  
16th Day

1021

last or any subsequent federal decennial census requiring any applicant for employment as an officer or employee of such municipality, or any officer or employee now or hereafter employed, to be a resident of such municipality; to prohibit the application of points, credits, or other benefits on behalf of residents so as to give residents of any such municipality an advantage over nonresidents, either in the employment, promotion, demotion, or discharge of employees.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 36; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Biddle, Boles, Carter, Crawford, Folmar, Gafford, Greer, Hall, Harris, Hill, Howard, Jackson (F), Johnstone, Jolly, Kennedy, Killian, Lewis, Lutz, McNees, Manley, Martin, Merrill, Moore (O), Owens, Rich, Sasser, Starkey, Trammell, Waggoner, Warren, Whatley, White and Younce.

—36

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 998. To fix the compensation for bailiffs of courts in the Nineteenth Judicial Circuit and to provide for payment thereof by that county in which such bailiff serves.

Which was postponed on the fifteenth legislative day, was taken up.

H. 998 POSTPONED

On motion of Mr. Venable, the bill, H. 998, was postponed to the seventeenth legislative day.

And the bill:

H. 262. Relating to Dale County, providing for a one-to-one method of striking jurors in criminal cases.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Andrews, Baker, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Clark, Crawford, Falkenburg, Folmar, Goodwin, Greer, Gregg, Harris, Hill, Holmes (D), Howard, Johnson, Johnstone, Kennedy, Killian, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Merrill, Moore (O), Moore (W), Owens, Pegues, Plaster, Quarles, Rich, Robertson, Sasser, Shoemaker, Smith (B), Smith (M), Starkey, Trammell, Venable, Waggoner, Whatley, White and Wyatt.

—53

And the bill:

H. 940. Relating to Blount County; to make it unlawful for any person to attempt to locate deer by shining any type of lighting device across fields, pastures and roadsides; prescribing penalties.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 57; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Crawford, Falkenburg, Folmar, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Kennedy, Killian, Lewis, Lockett, McCluskey, McCulley, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Owens, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sasser, Smith (B), Smith (M), Sparks, Starkey, Trammell, Venable, Waggoner, Whatley, White and Wyatt.

—57

Nay: Mr. Lutz.

—1

And the bill:

H. 942. Relating to all counties having a population of not less than 38,100 nor more than 40,500 according to the 1970 or any subsequent federal decennial census; to authorize the expenditure of funds not otherwise obligated of such county hospital boards by said board for the purpose of constructing, equipping, acquiring, maintaining, leasing, selling or otherwise disposing of office buildings and the real estate on which same may be situated to physicians who will engage in the practice of medicine in such county; and to further authorize such county hospital boards to borrow money, mortgage property, and do any and all other things necessary and proper to secure funds with which to acquire, construct, equip and maintain said real estate and/or office buildings.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Clark, Crawford, Dial, Falkenburg, Folmar, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Holley, Holmes (D), Howard, Jackson (F), Johnson, Johnstone, Jolly, Killian, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, Manley, Martin, Merrill, Moore (O), Moore (W), Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Sasser, Shoemaker, Smith (B), Smith (M), Sparks, Starkey, Trammell, Venable, Waggoner, Whatley, Wyatt and Younce.

—62

And the bill:

H. 958. Relating to counties having a population of not less than 16,245 nor more than 16,300 according to the 1970 or any subsequent federal decennial census; to create a county industrial development authority for the purpose of promoting industry and trade and the development of the county; to provide for the organization, powers,

functions, duties and personnel of the authority and for the compensation of its employees; and to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Boles, Brindley, Buskey, Campbell, Crawford, Cross, Edwards, Falkenburg, Folmar, Goodwin, Greer, Gregg, Hall, Hill, Hilliard, Holmes (D), Jackson (F), Johnstone, Jolly, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Owens, Pegues, Plaster, Quarles, Reed, Rich, Sasser, Shoemaker, Smith (B), Smith (M), Sparks, Trammell, Waggoner, Whatley, White, Wyatt and Younce.

—56

And the bill:

H. 960. To repeal Section 8 of Act No. 1695, H. 2263, 1971 Regular Session (Acts of 1971, p. 2852), entitled, "An Act Relating to all counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent or any subsequent federal decennial census, to create a Civil Service Board in said counties to assure the more efficient operation of the Sheriff's Department; to provide for the composition powers, duties, and compensation for such boards; and to establish certain employee management policies for the sheriff's Department in said counties."

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Andrews, Baker, Boles, Brindley, Buskey, Campbell, Carothers, Clark, Crawford, Falkenburg, Folmar, Goodwin, Greer, Gregg, Hall, Hill, Holmes (D), Jackson (F), Johnstone, Jolly, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Sasser, Smith (B), Smith (M), Sparks, Starkey, Trammell, Venable, Waggoner, Whatley, White and Younce.

—52

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 968. To fix and regulate the payment of the compensation and expenses of members of the county board of education of every county which has a population of not less than 13,200 nor more than 13,400.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Clark, Crawford, Falkenburg, Folmar, Goodwin, Greer, Hall, Hill, Hilliard, Holley, Holmes (D), Howard, Jackson (F), Jolly, Kelley, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCulley, McMillan, Manley, Martin, Merrill, Moore (O), Moore (W), Owens, Pegues, Plaster, Reed, Rich, Roberts, Sasser, Shoemaker, Smith (B), Smith (M), Sparks, Starkey, Trammell, Venable, Waggoner, Whatley, White, Wyatt and Younce.

—57

And the bill:

H. 969. Relating to counties having a population of not less than 13,200 nor more than 13,400 according to the most recent federal decennial census; fixing the compensation of the superintendent of education in such counties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Andrews, Baker, Boles, Brindley, Buskey, Campbell, Carothers, Clark, Crawford, Crowe, Falkenburg, Folmar, Greer, Hall, Hill, Holley, Holmes (D), Howard, Jackson (F), Kelley, Killian, Kinsey, Lewis, Lockett, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Reed, Rich, Roberts, Sasser, Smith (B), Smith (M), Sparks, Starkey, Trammell, Venable, Waggoner, Whatley, White and Wyatt.

—51

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1010. Relating to counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the 1970 or any subsequent federal decennial census; providing for an increase in the clerk hire allowance for tax assessor in such counties, payable from the county funds.

Was taken up.

#### H. 1010 INDEFINITELY POSTPONED

On motion of Mr. McNees, the bill, H. 1010, was indefinitely postponed.

And the bill:

H. 1011. To further amend Section 1 of Act No. 97, H. 105, Special Session 1966 (Acts 1966, p. 132), as amended, which regulates the compensation of election officers in counties having a population of not less

than 14,000 nor more than 15,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Boles, Brindley, Buskey, Campbell, Carter, Clark, Coburn, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Holmes (A), Holmes (D), Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Sasser, Shoemaker, Smith (B), Smith (M), Sparks, Starkey, Trammell, Venable, Waggoner, Whatley, White and Williams.

—65

And the bill:

H. 1012. To amend further Section 1 of Act No. 66, H. 32, Special Session 1964 (Acts 1964, p. 87), as amended, which regulates the compensation of election officers in counties having a population of not less than 16,245 nor more than 16,300 inhabitants according to the 1970 or any subsequent federal decennial census.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Boles, Brindley, Buskey, Campbell, Carter, Clark, Coburn, Crawford, Cross, Edwards, Falkenburg, Folmar, Goodwin, Greer, Gregg, Harris, Hill, Hilliard, Holmes (A), Holmes (D), Howard, Jackson (F), Johnstone, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Moore (O), Moore (W), Owens, Pegues, Plaster, Quarles, Rich, Roberts, Sasser, Shoemaker, Smith (B), Smith (M), Sparks, Starkey, Trammell, Waggoner, Whatley, White, Williams, Wyatt and Younce.

—59

And the bill:

H. 1080. To repeal Act No. 714, H. 1116 of the Regular Session of 1976, entitled "An Act To apply only in counties having a population of not less than 27,000 nor more than 27,900 according to the 1970 or any subsequent federal decennial census, fixing the expense allowance of the civil defense coordinator"; and to give this act retroactive effect.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Boles, Brindley, Buskey, Callahan, Campbell, Carter, Clark, Coburn, Crawford, Crowe, Falkenburg, Folmar, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Holmes (D), Jackson (F), Johnson, Jolly, Kelley, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin,

## 16th Day

Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Quarles, Rich, Roberts, Sasser, Shoemaker, Smith (B), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley, White, Williams, Wyatt and Younce.

—65

And the bill:

H. 1096. Relating to counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide certain county officials of such counties with additional allowances.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Boles, Brindley, Buskey, Callahan, Campbell, Carter, Clark, Coburn, Crawford, Crowe, Falkenburg, Folmar, Greer, Gregg, Harris, Hill, Hilliard, Jackson (F), Johnson, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Pegues, Plaster, Quarles, Rich, Roberts, Smith (B), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Whatley, White, Williams and Wyatt.

—54

And the bill:

H. 1100. Relating to Bibb County; amending the title and Section 4 of Act No. 1381, H. 2294 of the 1971 Regular Session (Acts 1971, Vol. III, p. 2327), as amended, which act pertains to the governing body of the county, so as to reflect matters of compensation in the title and to increase the monthly expense allowance of certain commissioners, payable from the county treasury.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Boles, Brindley, Buskey, Campbell, Carter, Clark, Crawford, Cross, Crowe, Falkenburg, Folmar, Gafford, Greer, Harris, Hill, Hilliard, Jackson (F), Johnson, Kelley, Killian, Kinsey, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Plaster, Quarles, Rich, Shelton, Shoemaker, Smith (B), Smith (M), Sparks, Starkey, Trammell, Venable, Whatley, White, Williams, Wyatt and Younce.

—55

And the bill:

H. 1104. Relating to all counties having a population of not less than 27,900 nor more than 33,500 according to the 1970 or any subsequent federal decennial census; to provide that all county road employees in such counties shall receive a \$100 per month salary increase paid out of the county general fund.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.



REGULAR SESSION  
16th Day

1027

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Boles, Brindley, Buskey, Campbell, Carter, Clark, Coburn, Crawford, Crowe, Falkenburg, Folmar, Gafford, Greer, Gregg, Harris, Hill, Hilliard, Holmes (A), Holmes (D), Jackson (F), Johnstone, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Moore (O), Moore (W), Owens, Pegues, Plaster, Quarles, Rich, Roberts, Shoemaker, Smith (B), Smith (M), Sparks, Starkey, Trammell, Venable, White, Williams, Wyatt and Younce.

—57

RESOLUTION

The following resolution was introduced:

By Mr. Smith (B):

H. R. 435. Be It Resolved By The House of Representatives, That the order of business in the House shall be:

(1) Report of the Committee on Rules.

(2) Reports of other standing committees of bills or resolutions, which shall be forthwith read by their titles a second time. In the call of committees the Speaker shall call them in their order. If the Speaker does not finish the call of committees before the House passes to other business, he shall resume on the next call where he left off.

(3) The call of districts in numerical order for the introduction of bills, resolutions, memorials, and petitions, provided, however, that no bills other than local bills that have been advertised or general bills of local application shall be introduced in the House during a regular session after the House adjourns on the 24th legislative day. If the call has not been completed by 12:00 M. the Speaker shall resume on the next day.

(4) Whenever any message is received notifying the House of the passage of Senate bills, the Clerk shall, immediately after the message is read, proceed to read the bills by title, unless the reading at length be called for by some member, in which event the bills shall be read at length and referred forthwith to a committee. The House shall then proceed with the business upon which it was engaged when the message was received. During a regular session, no bill that has originated in the House, except advertised local bills and general bills of local application, shall be sent to the Senate for its first reading after the Senate adjourns on the 26th legislative day. Provided further, that the House shall not consider a House bill which is amended in the Senate unless said bill is received from the Senate before the House adjourns on the 29th legislative day.

(5) Special Rule. The House shall not consider a House bill which is amended in the Senate during the Third Special Session of 1975 unless the bill is received from the Senate before the House adjourns on April 29, 1975, and in future special sessions of the legislature which last more than five legislative days, no House bill which is amended by the Senate shall be received by the House after the next to the last legislative day of the special session.

(6) Uncontested local bills and uncontested bills of local application on a population basis.

(7) The unfinished business in which the House was engaged at its last adjournment.

When the hour of 12 Noon arrives, or before that hour if the call of districts has been completed, business shall proceed in the following manner:

(8) Executive messages shall have priority over other business, and as soon as they are received they shall be read by the Clerk and a proper disposition made of them; and the House shall thereupon proceed with the business engaged in when interrupted by the message.

(9) Bills and resolutions on the calendar shall be taken up at 1 P. M. on each day, unless reached earlier; and no bill or resolution on the calendar shall be taken up out of its order.

(10) No motion to carry over all bills on the calendar to reach a certain bill shall be in order unless the rules are suspended.

(11) Miscellaneous business.

#### MOTION TO SUSPEND RULES AND ADOPT

Mr. Smith (B) offered the motion to suspend the rules and adopt the resolution, H. R. 435.

#### SUBSTITUTE MOTION TABLED

On motion of Mr. Smith (B), the substitute motion offered by Mr. Gafford to indefinitely postpone the resolution, H. R. 435, was tabled.

Yeas 39; Nays 32.

*Yeas:*

Messrs.: Albright, Andrews, Baker, Barron, Brindley, Buskey, Campbell, Carter, Crawford, Dial, Edwards, Folmar, Ford, Greer, Gregg, Hall, Hill, Hilliard, Holmes (A), Hopping, Howard, Johnson, Kelley, Kennedy, Killian, Lee, Leonard, Lewis, Lockett, Manley, Mitchem, Riddick, Roberts, Shoemaker, Smith (B), Starkey, Tucker, Whatley and Wyatt.

—39

*Nays:*

Mr. Speaker, Armstrong, Biddle, Callahan, Cates, Clark, Crowe, Falkenburg, Gafford, Holmes (D), Kinsey, Lutz, McCluskey, McMillan, McNees, Martin, Merrill, Moore (O), Moore (W), Morris, Owens, Rich, Robertson, Sandusky, Smith (C), Smith (M), Sparks, Waggoner, Warren, Weeks, White and Younce.

—32

#### MOTION TO SUSPEND RULES AND ADOPT

The question was then on the motion offered by Mr. Smith (B) to suspend the rules and adopt the resolution, H. R. 435.

#### SUBSTITUTE MOTION OFFERED

Mr. Drake offered the substitute motion to postpone the resolution, H. R. 435, to the nineteenth legislative day.

#### MOTION TO TABLE LOST

The motion offered by Mr. Smith (B) to table the motion to postpone offered by Mr. Drake, was lost.

REGULAR SESSION  
16th Day

1029

Yeas 32; Nays 50.

*Yeas:*

Messrs.: Albright, Andrews, Baker, Barron, Brindley, Buskey, Campbell, Dial, Edwards, Ford, Greer, Hall, Hill, Hilliard, Holmes (A), Holmes (D), Hopping, Howard, Johnson, Johnstone, Jolly, Killian, Lee, Leonard, Lewis, Lockett, Mitchem, Quarles, Shoemaker, Smith (B), Whatley and Wyatt.

—32

*Nays:*

Mr. Speaker, Armstrong, Biddle, Boles, Callahan, Carothers, Cates, Clark, Cooper, Crawford, Crowe, Drake, Falkenburg, Folmar, Gafford, Goodwin, Jackson (F), Kelley, Kennedy, Kinsey, Lutz, McCluskey, McCulley, McNair, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (C), Smith (M), Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Younce.

—50

H. R. 435 POSTPONED

The question was then on the motion offered by Mr. Drake to postpone the resolution, H. R. 435, to the nineteenth legislative day, and the motion was adopted.

Yeas 56; Nays 28.

*Yeas:*

Mr. Speaker, Armstrong, Biddle, Boles, Callahan, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Drake, Falkenburg, Folmar, Gafford, Goodwin, Harris, Jackson (F), Jackson (R), Kelley, Kennedy, Kinsey, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (M), Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Younce.

—56

*Nays:*

Messrs.: Albright, Andrews, Baker, Barron, Brindley, Buskey, Campbell, Dial, Edwards, Ford, Greer, Gregg, Hall, Hill, Hilliard, Holmes (A), Holmes (D), Hopping, Johnson, Johnstone, Jolly, Lee, Leonard, Lewis, Lockett, Riddick, Smith (B) and Whatley.

—28

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 103. To further amend Section 847 of Title 51 of the Code of Alabama 1940 as heretofore amended by extending each of the time limits set out in said Section 847 by an additional ten days.

Also:

H. 198. A bill to promote the public health of the State of Alabama by safeguarding the financial integrity of health care institutions against malpractice claims; to authorize the establishment, maintenance, ad-

ministration and operation of any trust established by hospitals or health care units, licensed as such by the State of Alabama, as grantors and as beneficiaries, for the purpose of insuring against general public liability claims based upon acts or omissions of such hospitals or health care units, including without limitation, claims based upon malpractice; to amend Section 12 of Act No. 407, Acts of Alabama, 1971 Regular Session (Section 12, Title 28A, Alabama Code of 1940, as amended), and particularly Section 12 thereof so as to exempt such insurance trust operations from all of the provisions of that title and of the Alabama Insurance Code; to limit the obligations and liabilities of any hospital or health care unit participating in such a trust to the obligation to pay the contributions required of it by any trust agreement to which it is a party; and to provide that this act shall apply to and shall confer all rights, privileges, exemptions and immunities upon any trust established for the purposes contemplated by this act, and the grantors, members, beneficiaries, participants and trustees thereof, whether such trust was established before or after the effective date of this act.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 342. Commending Charlie Thompson for heroism.

Also:

H. J. R. 354. Commending Rev. Robert E. Brown, Pastor of the Lakewood Baptist Church.

Also:

H. J. R. 372. Mourning the death of former State Representative J. B. Burkhalter of Cherokee County.

Also:

H. J. R. 377. Urging Congress and President Carter to continue the Bear Creek Watershed and Flood Control Project.

Also:

H. J. R. 379. Commending Dr. W. H. (Jack) Taylor upon his retirement from the Alabama Cooperative Extension Service, Auburn University.

Also:

H. J. R. 385. Congratulating Representative and Mrs. Tom Drake.

Also:

H. J. R. 387. Urging intervention by President Carter to prevent the closing of Craig Air Force Base in Selma, Alabama.

Also:

H. J. R. 405. Noting the retirement of Norman F. Ussery and commending him for meritorious service.

McDOWELL LEE,  
Secretary.

SPECIAL ORDER RESUMED

And the bill:

H. 1105. To provide that all real estate shall be assessed for ad valorem tax purposes according to its value in actual use and not according to any speculative or potential use in all counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carter, Cates, Coburn, Cooper, Crawford, Cross, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hilliard, Hines, Holmes (A), Holmes (D), Jackson (F), Johnson, Jolly, Kelley, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeese, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Reed, Rich, Sasser, Shelton, Smith (B), Smith (M), Sparks, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—71

And the bill:

H. 14. (With Substitute): To amend further Section 2 of Act No. 248, H. 580, Regular Session 1945 (General Acts 1945, p. 376), which act creates a civil service system for employees of counties having populations of 400,000 or more according to the last or any future Federal census and certain cities in such counties, so as to require the personnel board to make provisions for including handicapped persons, as well as certain regulations for such persons into the merit system for such counties and cities.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 2, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To further amend Sections 2 and 18 of an act entitled "an act to create and establish in each county in Alabama which has a population of 400,000 or more according to the last or any future Federal Census, a county-wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or in part from the public funds of such counties or municipalities located therein, including personnel employed or appointed by the County Board of Health and the Board of Registrars in such counties; to create a Citizens Supervisory Commission and to create a Personnel Board and other agencies for the supervision and administration of said System in each of such counties; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such personnel and over such counties and municipalities therein and County Boards of Health and Registrars in such counties; to provide for the pay-

ment of the expenses of each such agency and for a division of such expense between the County affected thereby and the municipalities therein including the County Board of Health; to provide penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof." (Approved July 6, 1945, General Acts of Legislature of Alabama, 1945, page 376).

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 2 of Act No. 248 of the 1945 Legislature of Alabama (General Acts of Alabama of 1945, pages 377-379) approved July 6, 1945, be further amended to as to read as follows:

"Section 2. Personnel Board; extent of its authority defined. In and for each separate county of the State of Alabama which has a population of four hundred thousand or more people according to the last or any future federal census, there shall be a personnel board for the government and control by rules and regulations and practices hereinafter set out or authorized of all employees and appointees holding positions in the classified service of such counties and the municipalities therein whose population according to the last federal census was five thousand or more and the County Board of Health, and such personnel board is vested with such power, authority and jurisdiction. Provided, however, that such board shall not govern any officers or appointees holding positions in the unclassified service. The unclassified service shall include: All employees or appointees of a city or county board of education, or a library board; persons engaged in the profession of teaching or in supervising teaching in the public schools; officers elected by popular vote; the judge of any court; the county attorney; the city manager of any municipality; the director of personnel; the county health officer, provided, however, that if any law or laws now or hereafter enacted shall cause the offices of all other county health officers in the State of Alabama to become subject to any state or county civil service or merit system now or hereafter established, in such event, the office of county health officer in each county subject to the provisions of this Act shall be a position in the classified service as herein defined; one private secretary of a member of the governing body and of each officer except judges elected by vote of the people; internes, resident physicians, resident dentists, student technicians and student nurses, while undergoing training in a county health department or in a hospital maintained by public funds; common laborers, members of boards who are not employed on a full time basis and are not required to devote their time and services exclusively to such counties and municipalities therein; attorneys, physicians, surgeons and dentists who with the express or implied permission of an appointing authority or of such county or city hold themselves out for employment by others in the same or a like line of work as that performed by them for such appointing authority; where there are two county sites or county court house sites maintained in one county and a county officer or officers are required to maintain an office in one court house and branch or subsidiary office in the other of said courthouses, the chief deputy of each elective officer in charge of such branch office. The classified service shall include all other offices and positions in the county and municipal service, including the services of the County Board of Health and the Board of Registrars of such county, except as otherwise provided in this Act. Each member of the Board in all hearings before it may administer oaths, certify to official acts, issue subpoenas, compel the attendance of witnesses and the production of papers, books and records and may punish for contempt of the Board in like manner and extent as may be done by courts of county commissioners: A member of the board or his employer shall be prohibited from

selling materials, supplies or services to a county or municipality unless such sales are made as the result of open competitive bidding. The term 'independent contractor,' as used in this section shall include a prospective independent contractor, and the term 'appointing authority' as used in this section, shall also include the public entity for which an appointing authority acts. The term 'employee' as used in this Act shall not be deemed to include 'independent contractors,' but in order to prevent evasions of the policy of this Act, the board shall have power to control, in the manner hereinafter specified, the use of independent contractors for performance of work for an appointing authority except in cases hereinafter specifically exempted from such control. The board shall exercise constant vigilance to see that the policy of this Act be not evaded by the use of independent contractors, and whenever the board shall have reason to believe that work is about to be, or is being done, continued or completed by an independent contractor for an appointing authority, and that such work is such as to be, or, at the time of commencement thereof, to have been, performable as well, practically, expeditiously and economically by one or more employees appointed or appointable, under this Act as by an independent contractor, the board may serve such appointing authority, and such independent contractor, if such independent contractor be known, with a written request to appear before the board at a time and place specified in such written instrument and show cause, if any there be, why such work should not be done, continued or completed by one or more employees appointed, or appointable, under this Act. Deposit of such written request in the United States registered mail, postage and registration fee prepaid and properly addressed, shall be sufficient service. At the time and place specified in said written request such appointing authority and independent contractor, or either of them, may appear, and, in such event, shall be accorded a fair hearing. If, upon such hearing, or in the event opportunity therefor be not availed of, in the absence thereof, the board shall determine that such work is such, or of such character, as to be, or, at the time of commencement thereof, to have been performable as well, practically, expeditiously and economically by one or more employees appointed, or appointable, under this Act as by an independent contractor, and that no sufficient reason has been made to appear why such work should be performed by an independent contractor in preference to one or more employees appointed, or appointable, under this Act, the board may enter an order prohibiting the doing, continuance or completion of such work after a date specified in such order otherwise than by and through one or more employees appointed, or to be appointed, under this Act, and no compensation shall be paid to, or received by, an independent contractor affected by such order for work done after the date specified in such order. In arriving at its determination the board shall consider, among other things, and give appropriate weight, to the circumstances of whether or not competent persons are available for appointment under this Act for performance of the type of work involved, and of whether or not the type of work involved is such as may be reasonably expected to be continuous for an indefinite time, regularly recurrent, or sporadic, and of whether or not the type of work involved is such as is customarily and generally let to independent contractors, and of whether or not the appointing authority possesses, or should reasonably be expected to obtain, physical facilities for performance of such work by one or more employees appointed, or appointable, under this Act. The board, however, shall have no power to prohibit the use of independent contractors for the construction of viaducts, bridges, street improvements, sewers, canals, public buildings, or public utilities, and, should an appointing authority desire to do any such construction work by means of its own construction forces or employees, the board, upon application to it first made, may, but is not

required, to permit the doing of such construction work by construction forces of employees of the appointing authority not appointed under this Act, subject to such conditions and limitations as the board may prescribe. In order to forestall the possibility of prohibition by the board of use of an independent contractor for the further performance of any work after such work has been let to such independent contractor, an appointing authority may apply to the board in advance of the letting of any work to an independent contractor for permission to do so, such application to be in writing and to contain a copy of the proposed contract or such general description of its substance as may be satisfactory to the board. The board may grant such application with or without conditions or limitations, and if the same be granted the board shall not thereafter prohibit anything thus authorized. In its determination concerning grant or refusal of such application, the board shall be guided by the same considerations as are hereinabove indicated for guidance of its determination upon the question of whether or not to prohibit the commencement or continuation of work by an independent contractor. The board is especially charged with the responsibility and empowered to place special emphasis on making provision for inclusion in the merit system of physically and mentally handicapped persons and to make special regulations and to grant exceptions from the provisions of this Act and its regulations promulgated hereunder as it shall from time to time deem appropriate to carry out this provision."

Section 2. That Section 18 of Act No. 248 of the 1945 Legislature of Alabama, (General Acts of Alabama of 1945, page 392) approved July 6, 1945, be further amended so as to read as follows:

"Section 18. Appointments. Vacancies in the classified service shall be filled either by transfer, promotion, appointment, reappointment or demotion. Whenever a vacancy in an existing position is to be filled by appointment, the appointing authority shall submit to the director a statement of the title of the position, and if requested by the director to do so, the duties of the position, and desired qualifications of the person to be appointed, and a request that the director certify to him the names of persons eligible for appointment to the position. The director shall thereupon certify to the appointing authority the names of the three ranking eligibles from the most appropriate register, and if more than one vacancy is to be filled the name of one additional eligible for each additional vacancy, or all the names on the register if there are fewer than three. The director shall, upon the request of the appointing authority, add to any such certification for employment the name of any person who is certified by the director of the division of rehabilitation and crippled children of the state department of education, as being eligible for rehabilitation services, or who is certified by a physician duly licensed to practice medicine in the State of Alabama to have a permanent neurological, muscular, skeletal or other physical impairment rendering such person unable to transport himself from place to place in a normal manner without the use of transportive devices such as a wheelchair or supportive devices such as braces, crutches, or both; but the director may nevertheless not give preference in certification for employment to any handicapped person if he finds such person is physically or otherwise unfit to perform effectively the duties of the position in which he or she seeks employment. If it should prove impossible to locate any of the persons so certified or should it become known to the director that any person is not willing to accept the position, the appointing authority may request that the additional names be certified until three persons eligible and available for appointment have been certified. Within ten days after such names are certified the appointment authority shall appoint one of those whose names are certified to each vacancy which he is to fill. When a new position is



created by the governing body the appointing authority shall notify the director of the duties of the position and the desired qualifications of the person to be appointed. If there is no appropriate eligible list from which certification can be made, the director shall establish such a list within forty-five days after receipt of the request and no provisional appointment shall be authorized within that time except with the unanimous approval of the board. The appointing authority shall report to the director the name of the person appointed, the effective date of appointment, and such other information as may be required. The names of the remaining eligibles certified shall be returned to the eligible list for certification to the next vacancy which may occur. The name of an eligible may be removed from the eligible list after it has been certified and refused three times. All appointments shall be made for a probationary period of twelve months. During such period the appointing authority may remove an appointee upon filing with the director, in writing, his reasons for such action, which action shall not be reviewable. After the expiration of the probationary period the employees shall have earned permanent status subject to the provisions of this subdivision as to removals, suspensions and changes. No person shall be appointed under any title not appropriate to the duties of the position to which he is appointed except by consent of the director. When the position to be filled involves fiduciary or financial responsibility or law enforcement, the appointing power or the board may require the applicant to furnish a reasonable bond or other security in an amount and form to be fixed by the appointing authority subject to the approval of the board provided that where the amount and terms of such bonds are now prescribed by law, such provision of law shall remain in effect. Said bond or security shall be approved by the appointing power and kept by it and conditioned as it prescribes unless otherwise now excepted or exempted under the provisions of this subdivision or the Constitution of the state shall fill positions in the county or municipalities therein, by appointment, including cases of transfer, reinstatement, promotions and demotions, in strict accordance with the provisions of this subdivision and the rules and regulations prescribed from time to time hereunder and not otherwise. Provided that the director shall not certify for appointment the names of non citizens of the county so long as there are citizens thereof eligible for appointment. In the event an appointing authority fails or refuses to fill a vacancy in an existing position from a certified list of eligibles, the director may refuse to certify the payroll voucher or account of any ineligible person found to be performing the duties of said position. When there is no eligible list from which a vacancy in an existing position may be filled, the director may certify to the appointing authority the names of all persons who have filed notice of their intention to take an examination appropriate to the position, and who after investigation appear to have had experience or training which qualify them for the position and a provisional appointment from among the number may be made by the appointing authority pending the establishment of an eligible list. No provisional appointment shall be continued for a period of over ten days after the establishment of an eligible list and in no event shall be continued for a longer period than four months. During present war emergency period the director may, in the absence of any appropriate eligible list, authorize a limited tenure appointment without examination. Such appointment shall be for not longer than the duration of the present war emergency plus six months, and shall give persons so appointed no status in the classified service by reason of such duration appointment."

Section 3. All laws and parts of law in conflict herewith are expressly repealed.

Section 4. Severability. If, for any reason, any clause, sentence, subsection, or section, or provision of this Act, or the application thereof to any person, body, situation or circumstances is held invalid or inoperative, the remainder of this Act and the application thereof to any other person, body, situation or circumstance shall not be affected thereby.

Section 5. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 56; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Baker, Biddle, Boles, Campbell, Carter, Coburn, Crawford, Falkenburg, Gafford, Goodwin, Greer, Hall, Harris, Hill, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McNair, McNees, Manley, Martin, Moore (O), Owens, Reed, Rich, Roberts, Shelton, Shoemaker, Smith (B), Smith (M), Sparks, Trammell, Turnham, Waggoner, Whatley, White, Williams, Wyatt and Younce.

—56

And the bill:

H. 14. To further amend Sections 2 and 18 of an act entitled "an act to create and establish in each county in Alabama which has a population of 400,000 or more according to the last or any future Federal Census, a county-wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or in part from the public funds of such counties or municipalities located therein, including personnel employed or appointed by the County Board of Health and the Board of Registrars in such counties; to create a Citizens Supervisory Commission and to create a Personnel Board and other agencies for the supervision and administration of said System in each of such counties; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such personnel and over such counties and municipalities therein and County Boards of Health and Registrars in such counties; to provide for the payment of the expenses of each such agency and for a division of such expense between the County affected thereby and the municipalities therein including the County Board of Health; to provide penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof." (Approved July 6, 1945, General Acts of Legislature of Alabama, 1945, page 376).

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Baker, Biddle, Boles, Brindley, Buskey, Campbell, Carter, Coburn, Cooper, Crawford, Falkenburg, Goodwin, Greer, Hall, Harris, Hill, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kennedy, Killian, Lewis, Lockett, Lutz, McCluskey, McCulley, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Owens, Plaster, Reed, Rich,

REGULAR SESSION  
16th Day

1037

Roberts, Shelton, Shoemaker, Smith (B), Smith (M), Sparks, Trammell, Turnham, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—60

And the bill:

H. 460. To further amend Act Number 134 of the 1965 Regular Session of the Legislature of Alabama (Acts of Alabama Regular Session 1965, page 201) approved July 7, 1965, entitled "An Act to authorize the Mayor of any city of this State having a population of 300,000 persons or more according to the last or any subsequent federal census to employ for and in behalf of said city a chief Administrative Assistant.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Baker, Biddle, Boles, Brindley, Buskey, Campbell, Carter, Coburn, Cooper, Crawford, Crowe, Falkenburg, Gafford, Goodwin, Greer, Hall, Harris, Hill, Hilliard, Holmes (A), Holmes (D), Jackson (F), Johnstone, Jolly, Kennedy, Killian, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Shelton, Smith (B), Smith (M), Sparks, Starkey, Trammell, Turnham, Waggoner, Warren, Whatley, White, Williams, Wyatt and Younce.

—62

And the bill:

H. 544. Relating to counties having a population of not less than 500,000 inhabitants according to the most recent federal decennial census; to prohibit the use of injurious traps for the trapping of animals; prescribing a penalty for violation of this act.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 56; Nays 0.

Messrs.: Albright, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Buskey, Carter, Coburn, Cooper, Crawford, Falkenburg, Gafford, Goodwin, Greer, Hall, Harris, Hill, Hilliard, Holmes (A), Holmes (D), Hopping, Howard, Johnstone, Jolly, Kennedy, Killian, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Owens, Pegues, Plaster, Reed, Rich, Shelton, Smith (B), Smith (M), Starkey, Turnham, Waggoner, Whatley, White, Williams, Wyatt and Younce.

—56

And the bill:

H. 603. To amend Section 10 of Act No. 662, H. 991, 1951 Regular Session (Acts 1951, p. 1132), which Act levies a tax on the sale or storage of malt or brewed beverages in counties with populations of 400,000 or more, so as to provide that the portion of the proceeds of said tax which is distributed to the county board of education will be divided pro rata among the school districts of the county.

Was taken up.

## H. 603 POSTPONED

On motion of Mr. Boles, the bill, H. 603, was postponed to the seventeenth legislative day.

And the bill:

H. 604. Relating to counties having populations of 600,000 or more; to require that the proceeds of any ad valorem tax levied for the support of public education in such counties shall be distributed pro rata to the several school districts therein on the basis of student population.

Was taken up.

## H. 604 POSTPONED

On motion of Mr. Boles, the bill, H. 604, was postponed to the seventeenth legislative day.

And the bill:

H. 616. To regulate further the qualifications and election of members of the county boards of education in all counties having a population of 500,000 or more inhabitants according to the most recent federal decennial census, providing that such members shall reside outside the corporate limits of any city in such counties having a city board of education and shall be elected by the qualified electors of such counties who live outside the corporate limits of any such city and that the electors of any such city shall not have a right to vote for members of such county boards.

Was taken up.

## H. 616 POSTPONED

On motion of Mr. Boles, the bill, H. 616, was postponed to the seventeenth legislative day.

And the bill:

H. 841. To provide that Jefferson County will pay to the chairman of the board of registers of Jefferson County, Alabama, longevity pay in the amounts and at the times provided for in the Act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Buskey, Campbell, Carter, Coburn, Cooper, Crawford, Drake, Gafford, Goodwin, Greer, Hall, Harris, Hill, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Leonard, Lewis, Lutz, McCulley, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Sasser, Shelton, Shoemaker, Smith (M), Sparks, Starkey, Trammell, Tucker, Turnham, Waggoner, Warren, Weeks, Whately, White, Williams, Wyatt and Younce.

—66

And the bill:

H. 913. To amend Section 10 of Act No. 1053, H. 1901 of the 1973 Regular Session of the Legislature (Acts 1973, Vol. III, p. 1688) pertaining

REGULAR SESSION  
16th Day

1039

to additional unlawful acts in counties having populations of not less than 500,000 according to the 1970 or any subsequent federal decennial census, in regard to the sale of table wine, so as to make the unlawful acts in said counties conform to the general law of Alabama governing the sale of alcoholic beverages.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 48; Nays 5.

Yeas:

Messrs.: Albright, Armstrong, Baker, Boles, Buskey, Carter, Coburn, Cooper, Crawford, Gafford, Goodwin, Harris, Hill, Hilliard, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Kelley, Kennedy, Leonard, Lewis, Lutz, McCluskey, McCulley, McNeese, Manley, Merrill, Mitchem, Plaster, Quarles, Rich, Sasser, Shelton, Smith (B), Smith (M), Trammell, Tucker, Turnham, Waggoner, Warren, Whatley, White, Williams and Younce.

—48

Nays: Messrs.: Andrews, Biddle, Drake, Hall and McNair.

—5

And the bill:

H. 590. (With Amendments): Relating to counties having populations of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 or any subsequent federal decennial census, to redive such counties into districts for the purpose of electing the county governing bodies.

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Local Legislation No. 4, said committee amendment being as follows:

In Section 2, delete the entire Section 2 and insert in lieu thereof the following Section 2:

Section 2. Any county to which this act applies is hereby divided into five districts numbered 1, 2, 3, 4 and 5 for the purpose of electing members of the county governing body. The five districts shall be described as follows:

DISTRICT NO.	DESCRIPTION	TOTAL POPULATION	PERCENT OF DEVIATION
1	In the county to which this act applies:	33,642	+0.25
	Tract 1	1,215	
	Tract 2	4,545	
	Tract 3: Except ED 34	2,272	
	Tract 4: Except ED 38, 39, 41	5,859	
	Tract 6: Except Blocks 403, 404, 411, 501, 511 of ED 99; ED 100	4,447	
	Tract 7: Except Blocks 108, 202, 204, 205, 305, 306 of ED 124; ED 125, 126, and Blocks 401, 402, 403, 407, 408 of ED 127	2,894	
	Tract 14: ED 137, except Blocks 409, 410, 411, 412, 413, 414, 514, 515, 516	515	
	Tract 15: ED 120, 121, 122, 123	2,958	

JOURNAL OF THE HOUSE, 1977  
16th Day

Montgomery North Division:	
All except ED 18, 20, 21	5,763
Tract 9	3,174

District 1 is composed primarily of Legislative District 77, except as amended below:

Deletions: Tract 5 ED 50; Blocks 409, 410, 411, 412, 413, 414, 514, 515, 516, from ED 137; Tract 14 ED 183 from Tract 26 ED 161, 162, from Fairview Division

Addition:  
Tract 9

2	In the county to which this act applies:	33,587	+0.09
	Tract 22: ED 156, 158	1,875	
	Tract 24: ED 73, Blocks 207, 208, 210, 211, 212, 213, 214, 301, 302, 303, 304	412	
	Tract 29	1,354	
	Tract 31	3,775	
	Tract 32	1,348	
	Tract 56: ED 145, 146C	413	
	Tract 53	751	

Montgomery Division	3,027
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Montgomery North Division:	
ED 18, 20, 21	888
Mitylene Division	1,481
Mount Meigs Division	2,318
Pike Road Division	3,775
Pine Level Division	1,798
Ramer Division	3,155
Hope Hull Division: ED 196, 197, 198, 199, 199B	6,995
Fairview Division: ED 185, 186, 187	221

District 2 is composed primarily of Legislative District 78, except as amended below:

Deletions: ED 157 Tract 22, Crenshaw County portion, and ED 117 of Montgomery North Division.

Additions: Montgomery Division:

Tract 18 ED 163  
Tract 19 ED 184  
Tract 25 ED 164  
Tract 27 ED 182  
Tract 9 ED 165  
Tract 30 ED 166, 167  
Tract 20 ED 173  
Tract 23 ED 170  
Tract 28 ED 178  
Tract 33 ED 181  
Tract 53  
Hope Hull Division ED 200  
Fairview Division ED 185, 186, 187

3	In the county to which this act applies:	33,447	-0.33
	Tract 3: ED 34	1,202	
	Tract 4: ED 38, 39, 41	3,731	
	Tract 5	3,547	

REGULAR SESSION  
16th Day

1041

Tract 16	5,163
Tract 17	6,622
Tract 18	4,005
Tract 19	2,773
Tract 25	2,507
Tract 26	1,907
Tract 27	1,953
Tract 51: ED 25B	27
Tract 54: ED 24	10

District 3 is composed primarily of Legislative District 79, except as amended below:

Deletions: Montgomery Division:  
Tract 18 ED 163  
Tract 19 ED 184  
Tract 25 ED 164  
Tract 27 ED 182

Additions: ED 50 from Tract 5  
ED 183 from Tract 26

4	In the county to which this act applies:	33,645	+0.26
	Tract 10	6,820	
	Tract 11	9,531	
	Tract 12	5,373	
	Tract 23: ED 76, Blocks 504, 505, 506, 508; ED 74, ED 75	2,249	
	Tract 24: Except ED 73, Blocks 207, 208, 210, 211, 212, 213, 214, 301, 302, 303, 304	4,670	
	Tract 30	1,432	
	Fairview Division: Except ED 185, 186, 187, 190, 191, 192, 193	3,750	

District 4 is composed primarily of Legislative District 80, except as amended below:

Deletions: Tract 9, Tract 13 ED 133

Additions: Fairview Division: Except ED 185, 186, 187, 190, 191, 192, 193  
Tract 23: ED 74, ED 75, ED 76, Blocks 304, 504, 505, 506, 508

5	In the county to which this act applies:	33,469	-0.27
	Tract 6: Blocks 403, 404, 411, 501, 511 of ED 99; ED 100	482	
	Tract 7: ED 125, 126; and Blocks 401, 402, 403, 407, 408 of ED 127; and Blocks 108, 202, 204, 205 305, 306 of ED 124	990	
	Tract 13: ED 130, 131, 132, 133, 134	3,250	
	Tract 14: ED 135, 136, 138, 139, and Blocks 409, 410, 411, 412, 413, 414, 514, 515 of ED 137	3,628	
	Tract 15: ED 117, 118, 119	2,793	
	Tract 20	4,431	
	Tract 21	4,377	
	Tract 22: ED 151, 152, 153, 154, 155, 157	6,121	
	Tract 23: Except ED 74, ED 75, Blocks 304, 504, 505, 506, 508 of ED 76	2,116	

Tract 28	2,545
Tract 33	2,736

District 5 is composed primarily of Legislative District 81, except as amended below:

Deletions: Montgomery Division  
 Tract 20 ED 173  
 Tract 23 ED 170  
 Tract 28 ED 178  
 Tract 33 ED 181

Additions: Tract 6: Blocks 403, 404, 411,  
 501, 511 of ED 99  
 Tract 7: Blocks 108, 202, 204,  
 205, 305, 306, of ED 124; ED  
 125; Blocks 401, 402, 403, 407,  
 408 of ED 127  
 Tract 13: ED 133; Blocks 409,  
 410, 411, 412, 413, 414, 514, 515,  
 516 of ED 137  
 Trace 22: ED 157

All tract, districts and enumeration districts (ED's) referred to herein are those adopted pursuant to the decree of August 31, 1973 from the United States District Court for the Middle District of Alabama, Northern Division entitled Sims, Farr, United States et. al. vs. Amos, Pelham, Owen, etal.

The members of the county governing body of any county to which this act applies shall hereafter be elected from the five districts hereby created, one representative from each district.

Attached hereto as Appendix I, is a color-coded map, and each colored district will substantially correspond to the appropriate district herein described.

And the amendment was adopted.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carter, Coburn, Cooper, Crowe, Drake, Gafford, Goodwin, Greer, Hall, Harris, Hill, Hilliard, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Kelley, Kennedy, Killian, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Owens, Plaster, Rich, Roberts, Shelton, Smith (B), Smith (M), Sparks, Trammell, Turnham, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—61

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Local Legislation No. 4, said committee amendment being as follows:

Amend H. B. 590 at the end of Section 1, page 1, by inserting the following additional words and phrases: Must reside in his district at least six months prior to seeking district election and only those people that reside in each district shall be eligible to vote in said district.

And the amendment was adopted.



Yeas 57; Nays 0.

Yeas:

Messrs.: Albright, Baker, Barron, Boles, Brindley, Buskey, Campbell, Carter, Coburn, Cooper, Crawford, Crowe, Gafford, Greer, Harris, Hill, Hilliard, Holmes (A), Holmes (D), Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Manley, Martin, Merrill, Moore (O), Owens, Plaster, Quarles, Rich, Roberts, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Trammell, Turnham, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—57

The question was then on the adoption of the amendment No. 3 reported by the Standing Committee on Local Legislation No. 4, said committee amendment being as follows:

Amend H. B. 590 by striking out Section 5 and adding a new Section 5 to read as follows:

Section 5. This Act shall become effective January 1, 1980 upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the amendment was adopted.

Yeas 57; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Carter, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Gafford, Goodwin, Greer, Hall, Harris, Hill, Holmes (A), Holmes (D), Hopping, Jackson (F), Jackson (R), Jolly, Kelley, Kennedy, Killian, Lewis, Lutz, McCluskey, McCulley, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Owens, Plaster, Quarles, Rich, Roberts, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Trammell, Tucker, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—57

The question was then on the adoption of the amendment No. 4 reported by the Standing Committee on Local Legislation No. 4, said committee amendment being as follows:

Amend H. B. 590 by striking Section 3 in its entirety and renumbering the following sections accordingly.

And the amendment was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Carter, Coburn, Cooper, Cross, Crowe, Drake, Gafford, Goodwin, Harris, Hilliard, Holmes (A), Holmes (D), Howard, Jackson (F), Jackson (R), Jolly, Kelley, Killian, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Owens, Plaster, Quarles, Rich, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Trammell, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—53

And the bill, H. 590 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 2.

Yeas:

Messrs.: Albright, Armstrong, Biddle, Buskey, Campbell, Carothers, Carter, Crawford, Goodwin, Greer, Gregg, Hall, Hill, Holmes (A), Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Jolly, Killian, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Owens, Plaster, Quarles, Rich, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Trammell, Tucker, Waggoner, Warren, Whatley, White, Williams, Wyatt and Younce.

—51

Nays: Messrs.: Barron and Harris.

—2

And the bill:

H. 648. (With Amendment): To amend further Section 3 of Act No. 1945, H. 584, Regular Session 1971 (Acts 1971, p. 3134), as last amended, which provides for and regulates the employment of county engineers so as to provide that the county engineer in certain counties need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of the county engineer's salary.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 4, said committee amendment being as follows:

Amend H. B. 648 by changing the period after the word "act" on line 10, page 2, "Section 3", and adding the following:

"provided however, that the exemption from Montgomery County, as herein provided, shall expire on May 1, 1979."

And the amendment was adopted.

Yeas 54; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Barron, Biddle, Brindley, Callahan, Carothers, Carter, Cooper, Crawford, Crowe, Drake, Falkenburg, Goodwin, Harris, Holmes (A), Holmes (D), Hopping, Jackson (F), Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Plaster, Reed, Rich, Roberts, Shelton, Shoemaker, Smith (B), Smith (C), Smith (M), Sparks, Trammell, Turnham, Waggoner, Warren, Whatley, White, Williams, Wyatt and Younce.

—54

And the bill, H. 648 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Callahan, Carothers, Carter, Coburn, Cooper, Crawford, Drake, Falken-

burg, Goodwin, Hall, Harris, Hilliard, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jolly, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Plaster, Quarles, Reed, Rich, Roberts, Shelton, Shoemaker, Smith (B), Smith (C), Smith (M), Sparks, Trammell, Tucker, Turnham, Waggoner, White, Williams, Wyatt and Younce.  
—61

And the bill:

H. 860. Relating to all counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 or any subsequent federal decennial census; fixing the total compensation, including expense allowances, for the sheriffs in such counties, payable out of the general fund of such counties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 1.

Yeas:

Messrs.: Albright, Armstrong, Baker, Biddle, Brindley, Buskey, Callahan, Campbell, Carter, Coburn, Cooper, Cross, Falkenburg, Goodwin, Harris, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jolly, Kennedy, Killian, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Manley, Martin, Merrill, Moore (O), Owens, Plaster, Quarles, Reed, Rich, Roberts, Shelton, Shoemaker, Smith (B), Smith (M), Sparks, Starkey, Trammell, Waggoner, Warren, Whatley, White, Williams, Wyatt and Younce.  
—54

Nay: Mr. Barron.  
—1

And the bill:

H. 1102. To amend Section 3.09 of Act No. 618, H. 796, 1973 Regular Session of the Legislature (Acts 1973, p. 879), relating to the Mayor-Council form of government in cities with a population of not less than 70,000 nor more than 135,000 inhabitants according to the 1970 or any subsequent federal decennial census, so as to provide further for vacancies in the councils of such cities.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Barron, Biddle, Brindley, Buskey, Campbell, Carter, Coburn, Crawford, Drake, Falkenburg, Folmar, Goodwin, Hall, Harris, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Lewis, Lockett, Lutz, McCulley, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Plaster, Quarles, Reed, Rich, Roberts, Shelton, Shoemaker, Smith (B), Smith (M), Starkey, Trammell, Waggoner, Warren, Whatley, White, Williams and Wyatt.  
—56

And the bill:

H. 1048. To amend Section 4 of Act No. 356 of the 1973 Session of the Alabama Legislature to allow a former member of the Montgomery

County retirement system who becomes reemployed by the County to repay his withdrawn funds and have his previous creditable service restored.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Biddle, Brindley, Buskey, Campbell, Carter, Coburn, Crawford, Crowe, Drake, Falkenburg, Goodwin, Harris, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson, (F), Johnstone, Kelley, Killian, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Plaster, Quarles, Reed, Rich, Roberts, Shelton, Shoemaker, Smith (B), Smith (M), Sparks, Starkey, Trammell, Waggoner, Whatley, White, Williams, Wyatt and Younce.

—56

And the bill:

H. 932. To provide that the clerk of the court collecting solicitor's or district attorney's fees in the first judicial circuit shall place such fees into a Judges' and District Attorney's Fund; to provide that all monies in any solicitor's or district attorney's fund in the circuit shall be paid immediately into the Judges' and District Attorney's Fund; and to authorize certain expenditures from such fund.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Biddle, Brindley, Buskey, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Drake, Falkenburg, Folmar, Goodwin, Hall, Harris, Hill, Hilliard, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Kelley, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Plaster, Quarles, Reed, Rich, Roberts, Shelton, Shoemaker, Smith (B), Smith (M), Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—65

And the bill:

H. 933. Relating to the first judicial circuit of Alabama; providing for separation of the jury by consent in the circuit courts of the counties composing such circuit.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Brindley, Buskey, Campbell, Carter, Clark, Coburn, Cooper, Crawford, Falkenburg, Folmar, Goodwin, Greer, Harris, Hill, Hines, Holmes (D), Hopping, Jackson (F), Johnstone, Kelley, Kennedy, Killian, Kinsey, Lewis, Lockett, McCluskey,

McCulley, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Shelton, Shoemaker, Smith (B), Smith (C), Smith (M), Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—62

And the bill:

H. 1024. To authorize the Chambers County Commission to regulate the minimum size of lots and the planning and construction of all public streets, public roads, and drainage structures located or to be located in subdivisions of land situated outside the corporate limits of any municipality in Chambers County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Falkenburg, Folmar, Goodwin, Greer, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (D), Hopping, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, McCluskey, McCulley, Manley, Martin, Merrill, Mitchem, Moore (O), Owens, Plaster, Quarles, Reed, Rich, Roberts, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Younce.

—64

And the bill:

H. 959. Relating to all counties having populations of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census, to authorize and provide for an additional expense allowance for the sheriff of any such county.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Brindley, Buskey, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Crowe, Falkenburg, Folmar, Goodwin, Greer, Harris, Hill, Hilliard, Hines, Holley, Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Shelton, Shoemaker, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Weeks, Whatley, White, Williams, Wyatt and Younce.

—66

And the bill:

H. 1025. Relating to Chambers County, authorizing the county governing body, in its discretion, to allocate available county funds for the payment of travel expenses for county officers who attend professional meetings.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Brindley, Buskey, Carter, Clark, Coburn, Cooper, Crawford, Crowe, Falkenburg, Folmar, Gafford, Goodwin, Greer, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Pegues, Plaster, Quarles, Reed, Rich, Roberts, Shelton, Shoemaker, Smith (B), Smith (J), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—66

And the bill:

H. 1065. Relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census; providing for a salary increase for certain county officers.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Brindley, Buskey, Carter, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Falkenburg, Folmar, Gafford, Goodwin, Greer, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Plaster, Quarles, Reed, Rich, Shelton, Shoemaker, Smith (B), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams, Wyatt and Younce.

—65

And the bill:

H. 1074. To authorize the county governing body of Chambers County to create a contingency fund out of the funds of the county treasury not otherwise encumbered.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Brindley, Buskey, Campbell, Clark, Coburn, Cooper, Crawford, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Shelton, Shoemaker, Smith (B), Smith (J), Smith (M), Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams, Wyatt and Younce.

—69

## 16th Day

And the bill:

S. 238. To create the office of county historian in all counties of this state having a population of not less than 60,000 nor more than 65,000 inhabitants, according to the 1970 or any subsequent federal decennial census; to provide for compensation and the method of appointment, and to prescribe the duties.

Was read a third time at length and passed.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Brindley, Buskey, Campbell, Clark, Coburn, Crawford, Crowe, Falkenburg, Folmar, Gafford, Goodwin, Greer, Hall, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeese, Manley, Martin, Merrill, Mitchem, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Shelton, Shoemaker, Smith (B), Sparks, Starkey, Tucker, Venable, Waggoner, Warren, Whatley, Williams and Wyatt.

—57

And the bill:

H. 991. To provide further for the election of a County Board of Education and a County Superintendent of Education for all counties having populations of not less than 56,500 nor more than 59,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Brindley, Buskey, Campbell, Carothers, Carter, Clark, Cooper, Crawford, Crowe, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeese, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Plaster, Quarles, Reed, Rich, Roberts, Shelton, Shoemaker, Smith (B), Smith (J), Smith (M), Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Younce.

—70

And the bill:

H. 1003. Relating to counties having a population of not less than 34,875 nor more than 36,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide for the transfer of certain funds in the county road and bridge fund to the county general fund.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Brindley, Buskey, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Crowe, Falkenburg,

Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCulley, McMillan, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Plaster, Quarles, Reed, Rich, Roberts, Shelton, Shoemaker, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—72

And the bill:

H. 945. Relating to all counties having populations of not less than 65,000 nor more than 68,000 inhabitants according to the 1970 or any subsequent federal decennial census; to amend Section 1 of Act No. 1252, 1973 Regular Session (Acts of 1973, p. 2099), entitled "An Act Relating to all counties having populations of not less than 65,000 nor more than 68,000; providing further for the salaries of bailiffs appointed by any circuit judge of the judicial circuit in which such county lies;" so as to increase the compensation of bailiffs appointed by any circuit judge of the judicial circuit in which such county lies.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Biddle, Brindley, Buskey, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Crowe, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Harris, Hill, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Kelley, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Shelton, Shoemaker, Smith (B), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

—67

## RESOLUTIONS

The following resolutions were introduced:

By Messrs. Venable, Plaster and Hopping:

H. R. 436. COMMENDING JOSEPH WHEELER SEWELL.

WHEREAS, Joseph Wheeler Sewell, a native of Titus, in Elmore County, Alabama and a 1921 graduate of the University of Alabama has brought great distinction to himself and his alma mater with his selection to membership in the Baseball Hall of Fame; and

WHEREAS, Mr. Sewell was one of the most outstanding athletes ever to don a Crimson Tide uniform earning recognition in both football and baseball and leading the baseball team to the S. A. I. A. Championship in 1920; and

WHEREAS, he began his professional baseball career immediately after his graduation from college and played in the 1921 World Series; and

WHEREAS, during a professional baseball career that spanned 13 years with the Cleveland Indians and the New York Yankees, Mr. Sewell compiled a remarkable record as a batter and a defense man including



a .313 batting average and still holds the world record for the least number of strike-outs in a season, having struck out only 4 times in two different seasons; and

WHEREAS, Mr. Sewell returned to the University of Alabama in 1964 to become baseball coach and compiled a superb record including an SEC Championship; and

WHEREAS, Mr. Sewell retired from the Crimson Tide Coaching Staff in 1968 ending one of the most notable baseball careers in American history and leaving an indelible impression upon the sport and the many people who came in contact with him; now therefore

BE IT RESOLVED THAT THE HOUSE OF REPRESENTATIVES OF ALABAMA, Does hereby recognize and pay tribute to Joseph Wheeler Sewell for his many sports accomplishments, for the outstanding character and integrity that have won him legions of friends and admirers and for the great honor he has brought to himself and the State of Alabama.

BE IT FURTHER RESOLVED, That this resolution be presented to Mr. Sewell on "Joe Sewell Day", Titus, Alabama, April 2, 1977.

On motion of Mr. Venable, the rules were suspended and the resolution, H. R. 436, was adopted.

Also:

By Mr. McCluskey:

H. J. R. 437. COMMENDING C. DENNIS BUCKNER, NAMED SYLACAUGA'S MOST OUTSTANDING YOUNG MAN FOR 1976.

WHEREAS, on March 12, 1977, young bank vice president C. Dennis Buckner was named Sylacauga's most outstanding young man for 1976 at the Sylacauga Jaycee's annual "Distinguished Service Award" Banquet, an honor bestowed annually on an outstanding young man who has distinguished himself through civic, church and community service; and

WHEREAS, Dennis Buckner is a 1967 graduate of Sylacauga High School who earned a business degree from the University of Alabama in Birmingham in 1972 and is now in his second year of Louisiana State University School of Banking studies; for the past five years he has been employed with the First National Bank of Sylacauga, promoted last year to vice president; and

WHEREAS, he has given generously of his time and efforts for the past four years in active involvement in a variety of civic projects of the Sylacauga Jaycees who honored him with the Irby-Liles-Roberts Award in 1974, the Outstanding Jaycee Award in 1974 and 1975, and elected him chapter president in 1975; and

WHEREAS, Mr. Buckner has further served his community as campaign chairman of the United Givers Fund as well as district ticket chairman for the Boy Scouts of America councilwide Bicentennial Jamboree at Ft. McClellan, Alabama; he recently was elected St. Andrews Episcopal Church treasurer; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we enthusiastically congratulate C. Dennis Buckner, Jaycee Distinguished Service Award recipient, and highly commend his unselfish dedication to the betterment of his community and the citizens of his county and state.

BE IT FURTHER RESOLVED, That copies of this resolution be presented Mr. Buckner and his wife, Nancy, and to his parents, Mr. and Mrs. C. W. Buckner, that they may know of our high esteem and warm praise.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 437, on the Clerk's desk for one legislative day.

#### SPECIAL ORDER RESUMED

The House then proceeded with the consideration of the bills listed on the Special Order Calendar.

And the bill:

H. 576. To provide for the distribution of the 1975 Code of Alabama, editions, or portions thereof; to provide for the conservation of the sets distributed; to authorize the sale thereof by the publisher; and to provide an appropriation for the distribution of said code.

Was taken up.

#### AMENDMENT OFFERED

Mr. Manley offered the following amendment to the bill, H. 576:

Amend Section 1 of House Bill 576 on page 1, line 28 of said section by deleting the words one set immediately following the figure "(4)" and inserting in lieu therefor the words two sets.

Further amend Section 1 of House Bill 576 on page 3, line 9 of said page by deleting the period (.) immediately following the word "municipality" and inserting in lieu therefor a semi-colon and adding a new subsection as follows:

(47) two sets to the Alabama State Bar Association.

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 78; Nays 4.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Buskey, Campbell, Carter, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Hill, Hines, Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Shelton, Shoemaker, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams, Wyatt and Younce.

—78

Nays: Messrs.: Holley, Jackson (R), Riddick and Whatley.

—4

And the bill, H. 576 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Buskey, Campbell, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Holley, Holmes (D), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shoemaker, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Venable, Waggoner, Warren, Whatley, White, Williams, Wyatt and Younce.

—76

Nay: Mr. Tucker.

—1

REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 433. To amend further Code of Alabama 1940, Title 38, Section 77, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

And finds same correctly enrolled.

TOM DRAKE,  
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

H. 112. To amend Section 747 of Title 37, Code of Alabama 1940, as amended, to authorize municipalities to levy an increased license tax on banks and branch banks.

As amended, was taken up.

And the bill, H. 112 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 13.

Yeas:

Mr. Speaker, Albright, Baker, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Folmar, Ford, Goodwin, Harris, Hill, Hilliard, Holley, Holmes (D), Jackson (R), Kelley, Kennedy, Killian, Kinsey, Leonard, Lutz, McCluskey, McCullev, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O),

Moore (W), Owens, Plaster, Quarles, Roberts, Sanduskey, Sasser, Shoemaker, Smith (B), Smith (M), Sparks, Starkey, Tucker, Venable, Warren, Whatley, Williams and Younce.

—56

*Nays:*

Messrs.: Andrews, Armstrong, Barron, Clark, Falkenburg, Gafford, Hall, Hopping, Johnson, Lee, Rich, Robertson and Wyatt.

—13

And the bill:

H. 113. To further amend Section 429, Title 51, Code of Alabama 1940, as amended, to eliminate restrictions against levy and assessment of excise or license taxes by municipalities and counties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 15.

*Yeas:*

Mr. Speaker, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Folmar, Ford, Goodwin, Greer, Harris, Hill, Hilliard, Holley, Holmes (A), Holmes (D), Jackson (F), Jackson (R), Johnstone, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lutz, McCulley, McMillan, McNees, Martin, Mitchem, Moore (W), Morris, Owens, Plaster, Riddick, Roberts, Sasser, Shoemaker, Smith (B), Sparks, Starkey, Tucker, Warren, Whatley, Williams and Younce.

—55

*Nays:*

Messrs.: Andrews, Armstrong, Barron, Clark, Falkenburg, Gafford, Hall, Hopping, Johnson, Lee, Moore (O), Rich, Robertson, White and Wyatt.

—15

## RESOLUTION

The following resolution was introduced:

By Messrs.: Gafford, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce:

H. J. R. 438. CONGRATULATING C. E. "BUTCH" AVINGER FOR BEING UNDER CONSIDERATION BY PRESIDENT CARTER FOR THE POSITION OF COMPTROLLER OF THE CURRENCY.

WHEREAS, the Legislature of Alabama notes with tremendous pride and pleasure that Alabama's C. S. "Butch" Avinger is being con-

REGULAR SESSION  
16th Day

1055

sidered by the President of the United States for the eminent position of the Comptroller of the Currency for the United States; and

WHEREAS, Mr. Avinger who is a native of Montgomery, Alabama is a 1947 graduate of Sidney Lanier High School where he played football and was named All-State; following his graduation in 1950 from the University of Alabama where he was All Southeastern Conference, he played professional football with the New York Giants for two years; and

WHEREAS, he has been in the banking business since 1957 in Birmingham, Alabama with the exception of the years 1968-71 during which time he served as Superintendent of Banks for the State of Alabama; he is serving presently as vice president with the Alabama Bankers Association; and

WHEREAS, we are aware and appreciative of the high honor of being considered for this position as chief administrator of all national banks, more than 14,000, in the United States; we further recognize and share the complete and total confidence displayed by our President in considering Mr. Avinger for the awesome responsibilities associated with this position; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we unanimously praise and applaud our President's wise consideration of C. E. "Butch" Avinger for Comptroller of the Currency and unanimously urge his appointment to that position.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to President Carter, and one presented to Mr. Avinger as evidence of our esteem and attestation to our boundless confidence in his abilities.

On motion of Mr. Gafford, the rules were suspended and the resolution, H. J. R. 438, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 104. To further amend Section 712 of Title 51 of the Code of Alabama 1940 as heretofore amended so as to extend by ten days the time allowable for disbursing the money the probate judge receives in respect of motor vehicle licenses and registration fees and to extend by ten days the time allowable to the probate judge for forwarding to the Comptroller and the Department of Revenue a certified list of all motor vehicle licenses issued by the probate judge during the preceding month.

Also:

H. 717. To direct the Code Commissioner to correct an error which appears in Title 16, Chapter 13, Article 3, Section 16-13-56 of the Manuscript of the Code of 1975, which was adopted by Act No. 20, H. 100 of the current session of the Legislature, the section of such manuscript which deals with the determination of the amount of local funds available for purposes of the minimum school program, in order to make this section correctly state the law on this subject.

MCDOWELL LEE,  
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 103. To further amend Section 847 of Title 51 of the Code of Alabama 1940 as heretofore amended by extending each of the time limits set out in said Section 847 by an additional ten days.

Also:

H. 198. A bill to promote the public health of the State of Alabama by safeguarding the financial integrity of health care institutions against malpractice claims; to authorize the establishment, maintenance, administration and operation of any trust established by hospitals or health care units, licensed as such by the State of Alabama, as grantors and as beneficiaries, for the purpose of insuring against general public liability claims based upon acts or omissions of such hospitals or health care units, including without limitation, claims based upon malpractice; to amend Section 12 of Act No. 407, Acts of Alabama, 1971 Regular Session (Section 12, Title 28A, Alabama Code of 1940, as amended), and particularly Section 12 thereof so as to exempt such insurance trust operations from all of the provisions of that title and of the Alabama Insurance Code; to limit the obligations and liabilities of any hospital or health care unit participating in such a trust to the obligation to pay the contributions required of it by any trust agreement to which it is a party; and to provide that this act shall apply to and shall confer all rights, privileges, exemptions and immunities upon any trust established for the purposes contemplated by this act, and the grantors, members, beneficiaries, participants and trustees thereof, whether such trust was established before or after the effective date of this act.

And finds same correctly enrolled.

TOM DRAKE,  
Chairman.

## SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 342. COMMENDING CHARLIE THOMPSON FOR HEROISM.

Also:

H. J. R. 354. COMMENDING REV. ROBERT E. BROWN, PASTOR OF THE LAKEWOOD BAPTIST CHURCH.

Also:

H. J. R. 372. MOURNING THE DEATH OF FORMER STATE REPRESENTATIVE J. B. BURKHALTER OF CHEROKEE COUNTY.

Also:

H. J. R. 377. URGING CONGRESS AND PRESIDENT CARTER TO CONTINUE THE BEAR CREEK WATERSHED AND FLOOD CONTROL PROJECT.

Also:

H. J. R. 379. COMMENDING DR. W. H. (JACK) TAYLOR UPON HIS RETIREMENT FROM THE ALABAMA COOPERATIVE EXTENSION SERVICE, AUBURN UNIVERSITY.

Also:

H. J. R. 385. CONGRATULATING REPRESENTATIVE AND MRS. TOM DRAKE.

Also:

H. J. R. 387. URGING INTERVENTION BY PRESIDENT CARTER TO PREVENT THE CLOSING OF CRAIG AIR FORCE BASE IN SELMA, ALABAMA.

Also:

H. J. R. 405. NOTING THE RETIREMENT OF NORMAN F. USSERY AND COMMENDING HIM FOR MERITORIOUS SERVICE.

And finds same correctly enrolled.

TOM DRAKE,  
Chairman.

#### SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 47. To provide for additional times when real property may be returned and valued for ad valorem tax purposes in all counties having a population of not less than 115,000 nor more than 150,000 according to the 1970 or any subsequent federal decennial census.

Also:

H. 782. Relating to Cleburne County; to change the method of compensating the judge of probate, the tax assessor, and the tax collector; to fix the compensation of each of such officers; and to make the act retroactive as to the judge of probate.

Also:

H. 371. To amend Section 4 of Act No. 1103, S. 834, of the 1973 Regular Session (Acts 1973, Vol. III, p. 1867), which act relates to the office of clerk-secretary to each circuit judge of the Thirty-eighth Judicial Circuit, so as to further regulate the salary of said clerk-secretary; and to make the effect of its provisions retroactive to October 1, 1976.

Also:

H. 437. Relating to the governing body of Chambers County; amending Sections 1 and 2 of Act No. 475, H. 304, Regular Session 1973 (Acts of 1973, p. 689), which act creates the county commission of Chambers County in lieu of the court of county commission of such county; so as to provide further for the rearrangement of commissioner's districts and for the election, terms and qualifications of the commissioners.

Also:

H. 439. To provide for purging the lists of registered voters in Chambers County; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Also:

H. 556. To prohibit the killing of any fox except in the course of hunting on horseback or if the animal is caught committing or attempting to commit depredation to livestock or poultry or is a menace to the health and safety of a human being, in any county having a population of not less than 50,000 nor more than 52,500 inhabitants according to the 1970 or any subsequent federal decennial census.

Also:

H. 602. Relating to Chambers County: to provide the Chambers County Commission with authority to employ appraisers, mappers, clerical personnel and other personnel to maintain current evaluation of all real property and valuation of personal property.

Also:

H. 652. Relating to counties having a population of not less than 24,000 nor more than 24,800 inhabitants according to the 1970 or any subsequent federal decennial census; to provide additional compensation for the Board of Registrars in an amount to be set by the County Commission, within certain limits; to make the provisions of this act retroactive.

Also:

H. 671. To provide the county commission in all counties having a population of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census, with authority to employ appraisers, mappers, and clerical personnel to maintain current evaluation of all real property and valuation of personal property within the county.

Also:

H. 742. Relating to Morgan County and to enable Morgan County to make contributions and to provide for liability insurance, to volunteer



rural fire departments organized according to law in Morgan County, Alabama and to provide life and accident insurance to the members of such organizations.

Also:

H. 743. Relating to Morgan County; to direct the judge of probate to transfer all records and lists in his custody relating to electors and voting to the board of registrars of Morgan County and to direct the board of registrars to supply to the probate judge from time to time such transferred information as may be necessary to the fulfillment of his lawful duties; and to repeal conflicting laws.

McDOWELL LEE,  
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 300. Amending Section 1 of Act No. 16, H. 17 of the 1975 Second Special Session (Acts 1975, Vol. I, p. 127), relating to all counties having populations of not less than 26,725 nor more than 27,250 inhabitants according to the 1970 or any subsequent federal decennial census; providing for clerical assistance of the tax assessor and tax collector in such counties, so as to provide that any cost of living increase for county employees automatically shall be applicable to them, retroactively to October 1, 1975.

Also:

H. 405. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Blountsville, in Blount County.

Also:

H. 412. Relating to county health officers or administrators in counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the 1970 or any subsequent federal decennial census, authorizing such persons to issue official death certificates; and providing penalties for violation of this Act.

Also:

H. 666. Relating to all counties having a population of not less than 57,000 nor more than 61,000 inhabitants according to the 1970 or any subsequent federal decennial census; providing for an additional expense allowance for the probate judge, tax assessor, tax collector, county commissioner and sheriff.

Also:

H. 727. To alter or rearrange the boundary lines of the town of Cedar Bluff, Cherokee County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cedar Bluff, Alabama.

Also:

H. 729. To provide for the night hunting and taking of racoons and opossums with the use of a light and/or shotgun using shot no larger than number eight, or with a 22-caliber rimfire rifle using 22-caliber-short

ammunition in all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the 1970 or any subsequent federal decennial census.

Also:

H. 836. To alter or rearrange the boundary lines of the City of Satsuma, Mobile County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Mobile County, Alabama.

Also:

H. 849. Relating to Limestone County; giving the county governing body certain powers in regard to maintaining roads and rights-of-way leading to homes or residences on private property.

Also:

H. 850. Relating to Limestone County; to authorize the county commission to appropriate an amount not to exceed \$3,000 in their annual budget for industrial promotion.

McDOWELL LEE,  
Secretary.

#### SPECIAL ORDER RESUMED

And the bill:

H. 485. To establish a student assistance program in the State of Alabama to be known as the Alabama Student Grant Program, which will provide for state grants to certain approved institutions of post-secondary education in Alabama on behalf of and to the credit of eligible students who are bona fide residents of Alabama; to set forth legislative findings and purposes underlying the Program; to provide for the grants payable under the Program; to designate the Alabama Commission on Higher Education to administer the Program; to vest the Alabama Commission on Higher Education with the powers and duties reasonably needed for the effective implementation and administration of the Program; to establish various procedures and requirements concerning the availability of grants, applications for grants, approval and award of grants, renewal of grants, and revocation of grants; to prohibit the use of grants for religious or sectarian purposes and to prohibit the use of money raised for the support of public schools to support schools of a predominantly sectarian or denominational character; to provide for periodic auditing of approved institutions; to provide for periods when there may be sufficient funds to provide such eligible student with a full grant for the terms requested; to provide a penalty for false statements or misrepresentations in connection with the procurement of grants; to make an appropriation funding the program from the Special Education Trust Fund; to provide for severability; to repeal conflicting laws; and to provide an effective date.

Was taken up.

#### MOTION TO SUBSTITUTE S. 158 FOR H. 485

Mr. Callahan offered the motion to substitute the bill, S. 158 for the bill, H. 485.

#### MOTION TO TABLE LOST

The motion offered by Mr. Johnson to table the motion offered by Mr. Callahan, was lost.

REGULAR SESSION  
16th Day

1061

Yeas 43; Nays 51.

*Yeas:*

Messrs.: Albright, Andrews, Barron, Boles, Brindley, Buskey, Coburn, Dial, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Johnson, Jolly, Kelley, Killian, Lee, Leonard, Lewis, Lutz, McNees, Martin, Merrill, Moore (O), Quarles, Riddick, Shoemaker, Smith (B), Starkey, Trammell, Tucker, Venable, Williams and Wyatt.

—43

*Nays:*

Mr. Speaker, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Gafford, Harris, Hilliard, Jackson (F), Jackson (R), Johnstone, Kennedy, Kinsey, Lockett, McCluskey, McMillan, McNair, Manley, Mitchem, Moore (W), Morris, Owens, Pegues, Plaster, Porter, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (J), Smith (M), Sonnier, Sparks, Waggoner, Warren, Whatley, White and Younce.

—51

S. 158 SUBSTITUTED FOR H. 485

The question was then on the motion offered by Mr. Callahan to substitute the bill, S. 158, for the bill, H. 485, and the motion was adopted.

Yeas 50; Nays 42.

*Yeas:*

Mr. Speaker, Armstrong, Baker, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Gafford, Harris, Hilliard, Jackson (F), Jackson (R), Johnstone, Kennedy, Kinsey, Lockett, McCluskey, McMillan, McNair, Manley, Mitchem, Moore (W), Morris, Owens, Pegues, Plaster, Porter, Reed, Rich, Roberts, Robertson, Sandusky, Smith (J), Smith (M), Sonnier, Sparks, Waggoner, Warren, White and Younce.

—50

*Nays:*

Messrs.: Albright, Andrews, Barron, Brindley, Buskey, Coburn, Dial, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Hill, Hines, Holmes (A), Holmes (D), Hopping, Howard, Johnson, Jolly, Kelley, Killian, Lee, Leonard, Lewis, Lutz, McNees, Martin, Merrill, Moore (O), Quarles, Riddick, Shoemaker, Smith (B), Starkey, Trammell, Tucker, Venable, Whatley, Williams and Wyatt.

—42

MOTION TO ADJOURN LOST

The motion offered by Mr. Johnson that the House adjourn until 1:00 o'clock p. m., Tuesday, April 5, 1977, was lost.

Yeas 25; Nays 40.

*Yeas:*

Messrs.: Andrews, Barron, Brindley, Buskey, Carothers, Coburn, Cooper, Dial, Goodwin, Holley, Holmes (A), Holmes (D), Hopping, Johnson, Lewis, Lutz, McNees, Manley, Merrill, Riddick, Shoemaker, Smith (M), Tucker, Williams and Wyatt.

—25

*Nays:*

Mr. Speaker, Armstrong, Baker, Biddle, Callahan, Carter, Crawford, Crowe, Edwards, Gafford, Harris, Hilliard, Jackson (F), Johnstone, Kelley, Killian, Kinsey, Lee, Lockett, McCluskey, McMillan, McNair, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Reed, Rich, Robertson, Sandusky, Sasser, Trammell, Turnham, Waggoner, Warren, Whatley, White and Younce.

—40

### RESOLUTION

The following resolution was introduced:

By Mr. Turnham:

H. R. 439. INVITING MR. TOM NOEL TO ADDRESS THE HOUSE OF REPRESENTATIVES ON APRIL 5, 1977.

WHEREAS, Mr. Tom Noel is the President's appointment in charge of strategic storage for the administration's energy policy; and

WHEREAS, energy is one of the most pressing issues facing our state and our nation; and

WHEREAS, our present energy crisis is the worst in history; and

WHEREAS, citizens of Alabama have already responded to this crisis by turning down their thermostats and taking other steps toward energy conservation despite one of the coldest winters ever; and

WHEREAS, everyone bears a responsibility for being informed on the vital subject of energy; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That we do most respectfully request Mr. Tom Noel to address the House of Representatives on April 5, 1977.

On motion of Mr. Turnham, the rules were suspended and the resolution, H. R. 439, was adopted.

### MOTION TO RECONSIDER TABLED

Having voted on the prevailing side, Mr. Campbell offered the motion to reconsider the vote by which the bill, S. 158, was substituted for the bill, H. 458, and on motion of Mr. Roberts, the motion to reconsider was tabled.

Yeas 48; Nays 40.

*Yeas:*

Mr. Speaker, Armstrong, Baker, Biddle, Callahan, Carothers, Carter, Clark, Cooper, Crawford, Cross, Crowe, Ford, Harris, Hilliard, Jackson (F), Jackson (R), Johnstone, Kennedy, Kinsey, Lee, Lockett, McCluskey, McMillan, McNair, Manley, Mitchem, Moore (W), Morris, Owens, Pegues, Plaster, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (J), Smith (M), Sonnier, Sparks, Turnham, Waggoner, Warren, White, Williams and Younce.

—48

*Nays:*

Messrs.: Albright, Andrews, Barron, Boles, Brindley, Buskey, Campbell, Coburn, Dial, Folmar, Goodwin, Greer, Gregg, Hall, Hill, Holley, Holmes (A), Holmes (D), Hopping, Howard, Johnson, Jolly, Killian, Leonard,

Lewis, Lutz, McNees, Martin, Merrill, Moore (O), Porter, Quarles, Riddick, Shelton, Smith (C), Starkey, Trammell, Tucker, Whatley and Wyatt.

—40

S. 158 RESUMED

And the bill:

S. 158. (With Amendments): To establish a student assistance program in the State of Alabama to be known as the Alabama Student Grant Program, which will provide for state grants to certain approved institutions of postsecondary education in Alabama on behalf of and to the credit of eligible students who are bona fide residents of Alabama; to set forth legislative findings and purposes underlying the Program; to provide for the grants payable under the Program; to designate the Alabama Commission on Higher Education to administer the Program; to vest the Alabama Commission on Higher Education with the powers and duties reasonably needed for the effective implementation and administration of the Program; to establish various procedures and requirements concerning the availability of grants, applications for grants, approval and award of grants, renewal of grants, and revocation of grants; to prohibit the use of grants for religious or sectarian purposes and to prohibit the use of money raised for the support of public schools to support schools of a predominantly sectarian or denominational character; to provide for periodic auditing of approved institutions; to provide for periods when there may be insufficient funds to provide such eligible student with a full grant for the terms requested; to provide a penalty for false statements or misrepresentations in connection with the procurement of grants; to make an appropriation funding the program from the Special Education Trust Fund; to provide for severability; to repeal conflicting laws; and to provide an effective date.

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend Senate Bill 158, page 9, line 17, by adding a new Section 11 to read as follows and renumbering subsequent sections:

Section 11. No institution receiving funds under the provisions of this Act shall increase its tuition, student fees or other charges to the student during the fiscal year 1977-78.

MOTION TO TABLE LOST

The motion offered by Mr. Callahan to table the amendment No. 1 reported by the Standing Committee on Ways and Means, was lost.

Yeas 38; Nays 42.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Callahan, Carter, Cates, Clark, Cooper, Crawford, Cross, Drake, Falkenburg, Gafford, Harris, Hilliard, Jackson (F), Jackson (R), Johnson, Johnstone, Kinsey, McMillan, McNees, Moore (W), Morris, Owens, Pegues, Quarles, Reed, Roberts, Sandusky, Sasser, Smith (J), Sonnier, Waggoner, Warren, White and Younce.

—38

*Nays:*

Messrs.: Albright, Andrews, Barron, Brindley, Buskey, Campbell, Carothers, Coburn, Dial, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Hill, Holmes (A), Holmes (D), Hopping, Jolly, Kelley, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, Martin, Merrill, Mitchem, Moore (O), Plaster, Rich, Riddick, Shoemaker, Smith (C), Starkey, Trammell, Tucker, Whatley, Williams and Wyatt.

—42

REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 47. To provide for additional times when real property may be returned and valued for ad valorem tax purposes in all counties having a population of not less than 115,000 nor more than 150,000 according to the 1970 or any subsequent federal decennial census.

Also:

H. 782. Relating to Cleburne County; to change the method of compensating the judge of probate, the tax assessor, and the tax collector; to fix the compensation of each of such officers; and to make the act retroactive as to the judge of probate.

Also:

H. 371. To amend Section 4 of Act No. 1103, S. 834, of the 1973 Regular Session (Acts 1973, Vol. III, p. 1867), which act relates to the office of clerk-secretary to each circuit judge of the Thirty-eighth Judicial Circuit, so as to further regulate the salary of said clerk-secretary; and to make the effect of its provisions retroactive to October 1, 1976.

Also:

H. 437. Relating to the governing body of Chambers County; amending Sections 1 and 2 of Act No. 475, H. 304, Regular Session 1973 (Acts of 1973, p. 689), which act creates the county commission of Chambers County in lieu of the court of county commission of such county; so as to provide further for the rearrangement of commissioner's districts and for the election, terms and qualifications of the commissioners.

Also:

H. 439. To provide for purging the lists of registered voters in Chambers County; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Also:

H. 556. To prohibit the killing of any fox except in the course of hunting on horseback or if the animal is caught committing or attempting to commit depredation to livestock or poultry or is a menace to the health and safety of a human being, in any county having a population

REGULAR SESSION  
16th Day

1065

of not less than 50,000 nor more than 52,500 inhabitants according to the 1970 or any subsequent federal decennial census.

Also:

H. 602. Relating to Chambers County: to provide the Chambers County Commission with authority to employ appraisers, mappers, clerical personnel and other personnel to maintain current evaluation of all real property and valuation of personal property.

Also:

H. 652. Relating to counties having a population of not less than 24,000 nor more than 24,800 inhabitants according to the 1970 or any subsequent federal decennial census; to provide additional compensation for the Board of Registrars in an amount to be set by the County Commission, within certain limits; to make the provisions of this act retroactive.

Also:

H. 671. To provide the county commission in all counties having a population of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census, with authority to employ appraisers, mappers, and clerical personnel to maintain current evaluation of all real property and valuation of personal property within the county.

Also:

H. 742. Relating to Morgan County and to enable Morgan County to make contributions and to provide for liability insurance, to volunteer rural fire departments organized according to law in Morgan County, Alabama and to provide life and accident insurance to the members of such organizations.

Also:

H. 743. Relating to Morgan County; to direct the judge of probate to transfer all records and lists in his custody relating to electors and voting to the board of registrars of Morgan County and to direct the board of registrars to supply to the probate judge from time to time such transferred information as may be necessary to the fulfillment of his lawful duties; and to repeal conflicting laws.

And finds same correctly enrolled.

TOM DRAKE,  
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 104. To further amend Section 712 of Title 51 of the Code of Alabama 1940 as heretofore amended so as to extend by ten days the time allowable for disbursing the money the probate judge receives in respect to motor vehicle licenses and registration fees and to extend by ten days the time allowable to the probate judge for forwarding to the Comptroller and the Department of Revenue a certified list of all motor vehicle licenses issued by the probate judge during the preceding month.

Also:

H. 717. To direct the Code Commissioner to correct an error which appears in Title 16, Chapter 13, Article 3, Section 16-13-56 of the Manuscript of the Code 1975, which was adopted by Act No. 20, H. 100 of the current session of the Legislature, the section of such manuscript which deals with the determination of the amount of local funds available for purposes of the minimum school program, in order to make this section correctly state the law on this subject.

And finds same correctly enrolled.

TOM DRAKE,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing examined the following House Bills, to-wit:

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Hills, to-wit:

H. 300. Amending Section 1 of Act No. 16, H. 17 of the 1975 Second Special Session (Acts 1975, Vol. I, p. 127), relating to all counties having populations of not less than 26,725 nor more than 27,250 inhabitants according to the 1970 or any subsequent federal decennial census; providing for clerical assistance of the tax assessor and tax collector in such counties, so as to provide that any cost of living increase for county employees automatically shall be applicable to them, retroactively to October 1, 1975.

Also:

H. 405. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Blountsville, in Blount County.

Also:

H. 412. Relating to county health officers or administrators in counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the 1970 or any subsequent federal decennial census, authorizing such persons to issue official death certificates; and providing penalties for violation of this Act.

Also:

H. 666. Relating to all counties having a population of not less than 57,000 nor more than 61,000 inhabitants according to the 1970 or



REGULAR SESSION  
16th Day

1067

any subsequent federal decennial census; providing for an additional expense allowance for the probate judge, tax assessor, tax collector, county commissioners and sheriff.

Also:

H. 727. To alter or rearrange the boundary lines of the town of Cedar Bluff, Cherokee County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cedar Bluff, Alabama.

Also:

H. 729. To provide for the night hunting and taking of raccoons and opossums with the use of a light and/or shotgun using shot no larger than number eight, or with a 22-caliber rimfire rifle using 22-caliber-short ammunition in all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the 1970 or any subsequent federal decennial census.

Also:

H. 836. To alter or rearrange the boundary lines of the City of Satsuma, Mobile County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Mobile County, Alabama.

Also:

H. 849. Relating to Limestone County; giving the county governing body certain powers in regard to maintaining roads and rights-of-way leading to homes or residences on private property.

Also:

H. 850. Relating to Limestone County; to authorize the county commission to appropriate an amount not to exceed \$3,000 in their annual budget for industrial promotion.

And finds same correctly enrolled.

TOM DRAKE,  
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

S. 158 RESUMED

AMENDMENT ADOPTED

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Ways and Means to the bill, S. 158, and no motion of Mr. Callahan, the amendment was adopted.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn,

Cooper, Crawford, Cross, Dial, Edwards, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Holley, Holmes (A), Holmes (D), Hopping, Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Leonard, Lockett, Lutz, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Tucker, Turnham, Warren, Whatley, Williams, Wyatt and Younce.

—75

#### MOTION TO RECOMMIT TABLED

On motion of Mr. Callahan, the motion offered by Mr. Holley to recommit the bill, S. 158, was tabled.

Yeas 51; Nays 38.

*Yeas:*

Mr. Speaker, Armstrong, Baker, Biddle, Callahan, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Gafford, Gregg, Harris, Hilliard, Jackson (F), Jackson (R), Johnstone, Kennedy, Kinsey, Lee, Lockett, McCluskey, McMillan, Manley, Merrill, Mitchem, Moore (W), Morris, Owens, Pegues, Plaster, Reed, Rich, Roberts, Sandusky, Sasser, Smith (J), Smith (M), Sonnier, Sparks, Turnham, Waggoner, Warren, White and Younce.

—51

*Nays:*

Messrs.: Albright, Andrews, Barron, Brindley, Buskey, Coburn, Dial, Ford, Goodwin, Greer, Hall, Hill, Holley, Holmes (A), Holmes (D), Hopping, Howard, Johnson, Jolly, Leonard, Lewis, Lutz, McNeas, Martin, Moore (O), Quarles, Riddick, Shelton, Shoemaker, Smith (B), Smith (C), Starkey, Trammell, Tucker, Venable, Whatley, Williams and Wyatt.

—38

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend Senate Bill 158 by adding on page 2 at line 29 a sentence at the end of the paragraph in Section 1 labeled "APPROVED INSTITUTION", said new sentence to read as follows:

Any institution receiving a direct legislative appropriation for any fiscal year is not an approved institution for such fiscal year.

#### AMENDMENT ADOPTED

On motion of Mr. Callahan, the amendment No. 2 was adopted.

Yeas 84; Nays 4.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Hill, Hilliard, Holmes (A), Holmes (D), Hopping, Jackson (F), Jackson (R), Johnston, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNeas, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Rich,

Riddick, Roberts, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Tucker, Venable, Waggoner, Warren, Whatley, White, Williams and Younce.

—84

*Nays:* Messrs.: Barron, Howard, Turnham and Wyatt.

—4

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 425. NAMING THE NEW NATIONAL GUARD ARMORY IN TROY, ALABAMA THE "RALPH WYATT ADAMS NATIONAL GUARD ARMORY".

McDOWELL LEE,  
Secretary.

MOTION TO ADJOURN LOST

The motion offered by Mr. Barron that the House adjourn until 1:00 o'clock p. m., Tuesday, April 5, 1977, was lost.

Yeas 37; Nays 48.

*Yeas:*

Messrs.: Albright, Andrews, Baker, Barron, Brindley, Buskey, Campbell, Coburn, Crawford, Dial, Folmar, Goodwin, Greer, Gregg, Hall, Hill, Holley, Holmes (A), Hopping, Howard, Johnson, Jolly, Lewis, Lutz, McNees, Martin, Merrill, Morris, Quarles, Riddick, Shelton, Starkey, Tucker, Venable, Whatley, Williams and Wyatt.

—37

*Nays:*

Mr. Speaker, Armstrong, Biddle, Boles, Callahan, Carter, Cates, Clark, Cooper, Cross, Crowe, Falkenburg, Gafford, Harris, Hilliard, Holmes (D), Jackson (F), Jackson (R), Johnstone, Kelley, Kennedy, Killian, Lee, Leonard, McCluskey, McCulley, McMillan, McNair, Mitchem, Moore (O), Moore (W), Pegues, Plaster, Porter, Reed, Rich, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Sonnier, Sparks, Trammell, Waggoner, White and Younce.

—48

S. 158 RESUMED

Mr. Johnson offered the following substitute to the bill, S. 158 as amended:

A BILL  
TO BE ENTITLED  
AN ACT

To establish a student assistance program in the State of Alabama to be known as the Alabama Student Grant Program, which will provide for state grants to certain approved institutions of postsecondary education in Alabama on behalf of and to the credit of eligible students who are bona fide residents of Alabama; to set forth legislative findings and purposes underlying the Program; to provide for the grants payable under the Program; to designate the Alabama Commission on Higher Education to administer the Program; to vest the Alabama Commission

on Higher Education with the powers and duties reasonably needed for the effective implementation and administration of the Program; to establish various procedures and requirements concerning the availability of grants, applications for grants, approval and award of grants, renewal of grants, and revocation of grants; to prohibit the use of grants for religious or sectarian purposes and to prohibit the use of money raised for the support of public schools to support schools of a predominantly sectarian or denominational character; to provide for periodic auditing of approved institutions; to provide for periods when there may be sufficient funds to provide such eligible student with a full grant for the terms requested; to provide a penalty for false statements or misrepresentations in connection with the procurement of grants; to make an appropriation funding the program from the Special Education Trust Fund; to provide for severability; to repeal conflicting laws; and to provide an effective date.

Be It Enacted by the Legislature of Alabama:

#### SECTION 1. DEFINITIONS.

As used in this Act, unless the context requires otherwise, the following terms mean:

ACHE—The Alabama Commission on Higher Education.

ALABAMA RESIDENT—Unless otherwise further defined by the ACHE, a person who has had his or her habitation, home or permanent abode in the State of Alabama for a period of at least twelve (12) consecutive months immediately preceding application for a grant under the Alabama Student Grant Program.

APPROVED INSTITUTION—Any private postsecondary institution of higher learning located in the State of Alabama which is accredited by the Southern Association of Colleges and Schools, or which has entered into the formal process of attaining accreditation by the Southern Association of Colleges and Schools, or whose credits are accepted by at least three (3) other institutions which are accredited by the Southern Association of Colleges and Schools. Such an approved institution must have an academic curriculum which is not comprised principally of sectarian instruction or preparation of students for a sectarian vocation and which does not award primarily theologian or seminarian degrees (to the extent that any such institution may have a religious or denominational affiliation, it must perform essentially secular educational functions which are distinct and separable from religious activity). Any institution receiving a direct legislative appropriation for any fiscal year is not an approved institution for such fiscal year.

ELIGIBLE STUDENT—Any applicant for a grant under the Alabama Student Grant Program who:

- (a) Has obtained a certificate of graduation from a secondary school or the recognized equivalent of such graduation; and
- (b) Is classified as an undergraduate student as defined in this Act; and
- (c) Is an Alabama resident as defined in this Act; and
- (d) Is a citizen of the United States or in the process of becoming a citizen of the United States.
- (e) Is enrolled or accepted for enrollment as a full-time or part-time student in a program of at least six (6) months' duration in an approved institution as defined in this Act; and

**16th Day**

(f) Is not enrolled and does not intend to enroll in a course of study leading to an undergraduate degree in theology or divinity.

**FULL-TIME STUDENT**—An individual student who meets the criteria established by definitions, rules and regulations to be established by the ACHE.

**GRANT**—A monetary award under the Alabama Student Grant Program to an approved institution on behalf of and to the credit of an eligible student pursuant to this Act.

**INSTITUTIONAL RELATED EXPENSES**—Nonsectarian educational expenses, including, but not limited to tuition, mandatory fees, room and board, transportation, books and supplies, and other incidental nonsectarian education expenses anticipated by an eligible student.

**PART-TIME STUDENT**—An individual student who meets all qualifications as an eligible student and who meets the further criteria to be established by the ACHE.

**PROGRAM**—The Alabama Student Grant Program, including the administration thereof.

**UNDERGRADUATE STUDENT**—Any individual student who meets all qualifications as an eligible student and has not received a baccalaureate degree or its equivalent.

## **SECTION 2. LEGISLATIVE FINDINGS AND PURPOSES.**

The legislature declares that there exist within the State of Alabama a number of accredited private colleges and universities whose facilities could be used more effectively in the public interest by the grant of financial assistance to residents of the State who choose to attend such colleges and universities, in order to pay a portion of such residents' institutional related expenses at such colleges and universities, thereby reducing the cost to taxpayers of the State below the cost of providing similar instruction to such residents at institutions of higher learning within the State Higher Education System.

This act is intended to provide higher educational opportunities to bona fide residents of the State by utilizing the facilities and resources of private colleges and universities in the State more effectively.

## **SECTION 3. ESTABLISHMENT OF GRANTS.**

There is hereby granted to each eligible student attending an approved institution the sum of (\$300.00) Three Hundred Dollars per academic year, which sum shall be distributed to such institution on behalf of and to the credit of such student in accordance with rules and regulations to be promulgated by the Alabama Commission on Higher Education.

## **SECTION 4. PROGRAM ADMINISTRATION.**

The Alabama Student Grant Program created under this Act shall be administered by the Alabama Commission on Higher Education. The executive director of the ACHE shall have primary responsibility for the administration of the Program, including appropriate staffing, in accordance with rules, regulations, policies and procedures to be promulgated by the ACHE.

## **SECTION 5. BASIC POWERS AND DUTIES OF THE ACHE.**

**Basic Powers.** The ACHE is authorized and empowered to promulgate such rules, regulations, policies and procedures as may be reason-

able and proper in order to carry out the provisions and purposes of this Act. Without limiting the generality of the foregoing, the ACHE is authorized and empowered;

(a) To make reasonable rules, regulations and determinations concerning the qualification of applicants as Alabama residents or as eligible students and the qualification of institutions as approved institutions as defined in this Act;

(b) To alter or amend the definition of "eligible student" in order to enable the Program to meet the requirements of the State or Federal Constitution or any applicable statute, administrative regulation, or judicial decision, if such alteration is deemed both necessary and reasonable;

(c) To determine the extent to which applicants including part-time students, shall be eligible for grants under this Act;

(d) To make reasonable rules, regulations and determinations concerning the method of payment of grants to approved institutions on behalf of and to the credit of eligible students;

(e) To request submission of and obtain all information reasonably needed for the effective administration of the Program from individual applicants for grants or from institutions which enroll eligible students; and

(f) To accept grants and contributions, which are intended to provide financial assistance to Alabama students, and to use such grants and contributions for the purpose or purposes for which same are made.

**BASIC DUTIES.** The ACHE shall be responsible for the effective implementation and administration of the Program. ACHE shall issue public information; design all forms needed for the effective administration of the Program; process all applications, certifications of eligibility, approvals, awards, renewals, revocations and disbursements of grants; ensure against the utilization of grants for religious or sectarian purposes as provided in Section 7 of this Act; and promulgate and implement all rules, regulations, policies and procedures reasonably needed for the effective administration of the Program.

## SECTION 6. GRANT PROCEDURES AND REQUIREMENTS.

**AVAILABILITY OF GRANTS.** Grants shall be available to eligible students and shall be paid to approved institutions on behalf of and to the credit of such students, without regard to place of residence within the State of Alabama, age, race, color, creed, sex, or national origin, and shall be paid out of funds in the annual budget appropriated pursuant to Section 11 of this Act.

**APPLICATION FOR GRANTS.** Grants may be applied for by any eligible student wishing to receive same, through an approved institution in which he is enrolled or plans to enroll, pursuant to procedures to be devised and implemented by the ACHE.

**APPROVAL AND AWARD OF GRANTS.** The ACHE shall not approve any grant until there has been received from an appropriate officer of an approved institution in which an applicant is enrolled, a certification that the applicant is an eligible student. Upon receipt of a proper certification of eligibility, the ACHE shall remit, at such time as it deems appropriate, such grant to the approved institution in which an applicant is enrolled on behalf of and to the credit of the applicant. Upon awarding a grant, the ACHE shall issue a certificate evidencing the

**16th Day**

award to the student involved and shall forward a copy to the institution that is to receive the grant on behalf of and to the credit of the student.

**RENEWAL OF GRANTS.** Each grant shall be renewable annually for the number of semesters or quarters (or their equivalent) normally required by the institution for the course of study in which the individual student is enrolled, not to exceed five academic years or until such earlier time as the student receives a baccalaureate degree, or has expended ten semesters or fifteen quarters (or their equivalent) of enrollment. The ACHE shall grant a renewal only upon the student's annual application and upon verification that the student remains an eligible student as defined in this Act.

**REVOCATION OF GRANTS.** If a student on whose behalf and to whose credit a grant has been made shall fail to comply with the established rules and regulations in respect to such grant, or shall fail to obtain the minimum level of achievement prescribed for the retention of such grant, or shall for any reason fail to enroll in or be expelled or suspended from an approved institution, the ACHE may, upon appropriate evidence, revoke such grant. In such a case, the institution shall reimburse the Program for the amount of such grant. A student may again become eligible for a grant when all requirements for eligibility have been met.

**SECTION 7. INSURING NONSECTARIAN USE OF FUNDS.**

In the case of a student enrolled in an institution which has a religious or denominational affiliation, the ACHE shall devise and implement rules, regulations and procedures to insure that the maximum amount of assistance available to a student at a given institution under the Program does not exceed the per student operating expenditures of the institution for nonsectarian, secular educational purposes.

Under no circumstances shall any funds paid pursuant to this Act be utilized by an institution for religious, sectarian or denominational purposes, and the ACHE shall devise and implement such regulations and procedures as may be appropriate to insure that such funds are used solely for nonsectarian, secular educational purposes. Any institution receiving grant funds on behalf of and to the credit of eligible students shall segregate such funds in a special revenue account and shall identify nonsectarian expenditures of such funds in its budget. Each institution shall maintain documentation acceptable to ACHE of its expenditure of grant funds to permit verification by the ACHE, the Examiner of Public Accounts or the State Auditor.

Under no circumstances shall this Act be construed as authorizing money raised for the support of public schools in the State of Alabama to be appropriated or used for the support of any sectarian or denominational school. All grants permitted by this Act are strictly limited to eligible students enrolled or accepted for enrollment in an approved institution as defined in this Act.

**SECTION 8. AUDIT.**

Each approved institution receiving grants hereunder on behalf of and to the credit of any of its students shall be subject to examination at any time by the ACHE, the Examiner of Public Accounts or the State Auditor for the purpose of determining whether such institution has complied with the provisions of this Act and the rules and regulations promulgated pursuant to this Act. Nothing in this Act shall be construed to interfere with the authority of approved institutions to determine admission requirements, curricula or administrative policies.

If an institution certifies an ineligible student for a grant hereunder, the amount of the grant paid to the institution pursuant to such certification shall be refunded by the institution to the Alabama Student Grant Program in accordance with regulations promulgated by the ACHE.

#### SECTION 9. PRORATION OF FUNDS.

Should funds appropriated to the Alabama Student Grant Program be insufficient to provide each eligible student with a full grant for the term(s) requested, each eligible student shall receive a prorata grant share of the available funds.

#### SECTION 10. FALSE STATEMENTS.

Any person who knowingly makes or furnishes any false statement or misrepresentation, or who accepts such false statement or misrepresentation knowing the same to be false, for the purpose of enabling an individual student to wrongfully obtain a grant hereunder, shall be guilty of a misdemeanor and, upon conviction thereof, be punished for a misdemeanor.

Section 11. No institution receiving funds under the provisions of this act shall increase its tuition, student fees or other charges to the student during the fiscal year 1977-78.

#### Section 12. APPROPRIATIONS.

There is hereby appropriated from the Alabama Special Educational Trust Fund the sum of (\$3,000,000.00) Three Million Dollars for the fiscal year 1977-78. This appropriation shall be used only for the purposes of establishing and funding grants to eligible students attending approved institutions as defined in this Act and the administrative expenses incident thereto.

#### Section 13. SEVERABILITY.

The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision or portion of this Act be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision, or other portion of this Act.

#### Section 14. CONFLICTING LAWS.

All laws or parts of laws which conflict with this Act are repealed.

#### Section 15. SUCCESSOR AGENCY.

Should ACHE cease to exist or function, the responsibility for the Alabama Student Grant Program shall be placed on its successor agency and, if none, then upon the State Board of Education.

#### Section 16. EFFECTIVE DATE.

This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

#### SUBSTITUTE TABLED

On motion of Mr. Callahan, the substitute offered by Mr. Johnson to the bill, S. 158 as amended, was tabled.

Yeas 48; Nays 38.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Callahan, Carter, Cates, Clark, Cooper, Crawford, Cross, Crowe, Folmar, Gafford, Harris, Hilliard,



Jackson (F), Jackson (R), Kennedy, Kinsey, Lee, Leonard, Lockett, McCluskey, McMillan, McNair, Manley, Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Smith (J), Sonnier, Sparks, Tucker, Waggoner, Warren, Weeks, Whatley, White and Younce.

—48

*Nays:*

Messrs.: Albright, Andrews, Barron, Boles, Brindley, Buskey, Campbell, Coburn, Dial, Goodwin, Greer, Gregg, Hall, Hill, Hines, Holley, Holmes (D), Hopping, Howard, Johnson, Jolly, Kelley, Killian, Lewis, Lutz, McNees, Martin, Mitchem, Moore (O), Riddick, Shelton, Shoemaker, Smith (C), Starkey, Trammell, Venable, Williams and Wyatt.

—38

#### AMENDMENT OFFERED

Mr. Martin offered the following amendment to the bill, S. 158 as amended:

Amend Senate Bill 158, page 3, line 17 by adding new section (g) to read as follows: "(g) Whose family's gross income is less than \$18,000 as demonstrated by their Federal Income Tax Return."

#### MOTION TO TABLE LOST

The motion offered by Mr. Callahan to table the amendment offered by Mr. Martin to the bill, S. 158 as amended, was lost.

Yeas 38; Nays 50.

*Yeas:*

Mr. Speaker, Armstrong, Biddle, Callahan, Cates, Cooper, Crawford, Crowe, Falkenburg, Folmar, Gafford, Harris, Hilliard, Hopping, Jackson (F), Kinsey, Lee, Leonard, Lockett, McMillan, McNair, Manley, Moore (W), Morris, Owens, Pegues, Plaster, Reed, Sandusky, Sasser, Smith (J), Sonnier, Turnham, Waggoner, Warren, Weeks, White and Younce.

—38

*Nays:*

Messrs.: Andrews, Baker, Barron, Boles, Brindley, Buskey, Campbell, Carothers, Coburn, Cross, Dial, Ford, Goodwin, Greer, Gregg, Hall, Hill, Hines, Holley, Holmes (A), Holmes (D), Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Lewis, Lutz, McNees, Martin, Merrill, Mitchem, Moore (O), Quarles, Rich, Riddick, Roberts, Shelton, Shoemaker, Smith (C), Sparks, Starkey, Trammell, Tucker, Venable, Whatley, Williams and Wyatt.

—50

#### AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Mr. Martin to the bill, S. 158 as amended, and the amendment was adopted.

Yeas 49; Nays 44.

*Yeas:*

Messrs.: Albright, Andrews, Baker, Barron, Brindley, Buskey, Campbell, Coburn, Cross, Dial, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Hill, Holley, Holmes (A), Holmes (D), Hopping, Howard, Johnson, Jolly,

Kennedy, Killian, Leonard, Lewis, Lutz, McNees, Martin, Merrill, Mitchem, Moore (O), Quarles, Rich, Riddick, Roberts, Shelton, Shoemaker, Smith (B), Smith (C), Starkey, Trammell, Tucker, Venable, Whatley, Williams and Wyatt.

—49

*Nays:*

Mr. Speaker, Armstrong, Biddle, Callahan, Carter, Cates, Clark, Cooper, Crawford, Crowe, Drake, Falkenburg, Gafford, Harris, Hilliard, Jackson (F), Jackson (R), Johnstone, Kinsey, Lee, Lockett, McCulley, McMillan, McNair, Manley, Moore (W), Morris, Owens, Pegues, Plaster, Porter, Reed, Sandusky, Sasser, Smith (J), Smith (M), Sonnier, Sparks, Turnham, Waggoner, Warren, Weeks, White and Younce.

—44

#### AMENDMENT OFFERED

Mr. Greer offered the following amendment to the bill, S. 158 as amended:

Amend S. 158 on page 9 by deleting Section 12 and renumbering subsequent sections.

#### AMENDMENT TABLED

On motion of Mr. Callahan, the amendment No. 1 offered by Mr. Greer to the bill, S. 158 as amended, was tabled.

Yeas 54; Nays 36.

*Yeas:*

Mr. Speaker, Armstrong, Baker, Biddle, Callahan, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Harris, Hilliard, Jackson (F), Jackson (R), Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, McMillan, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Owens, Pegues, Plaster, Porter, Reed, Rich, Roberts, Sandusky, Sasser, Smith (J), Sonnier, Sparks, Tucker, Venable, Waggoner, Warren, White and Younce.

—54

*Nays:*

Messrs.: Albright, Andrews, Barron, Brindley, Buskey, Coburn, Dial, Ford, Goodwin, Greer, Hall, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Johnson, Jolly, Lewis, Lutz, McNair, McNees, Moore (O), Quarles, Riddick, Shelton, Shoemaker, Smith (B), Smith (C), Starkey, Trammell, Whatley, Williams and Wyatt.

—36

#### AMENDMENT OFFERED

Mr. Greer offered the following amendment No. 2 to the bill, S. 158 as amended:

Amend S. 158 on page 8 by deleting lines 15 through 21.

#### AMENDMENT TABLED

On motion of Mr. Callahan, the amendment No. 2 offered by Mr. Greer to the bill, S. 158, was tabled.

Yeas 56; Nays 32.

*Yeas:*

Mr. Speaker, Armstrong, Baker, Biddle, Callahan, Carter, Cates, Clark, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar,

REGULAR SESSION  
16th Day

1077

Gafford, Harris, Hilliard, Jackson (F), Jackson (R), Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, McMillan, McNair, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Owens, Pegues, Plaster, Porter, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (M), Sparks, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Younce.

—56

*Nays:*

Messrs.: Albright, Andrews, Barron, Brindley, Buskey, Coburn, Dial, Ford, Goodwin, Greer, Gregg, Hill, Holley, Holmes (A), Holmes (D), Hopping, Howard, Johnson, Jolly, Lewis, Lutz, McNeese, Moore (O), Quarles, Riddick, Shelton, Shoemaker, Smith (B), Smith (C), Starkey, Williams and Wyatt.

—32

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 111. Commending Dr. Bill Hartley, Pastor of the Ridgecrest Baptist Church.

Also:

H. J. R. 112. Commending Reverend Claude Whitehead, Paston of the Huffman United Methodist Church.

Also:

H. J. R. 326. Mourning the death of Colonel Louis J. Compton.

Also:

H. J. R. 329. Congratulating and commending the Andalusia High School Football Team.

Also:

H. J. R. 343. Congratulating the Troy State University Football Team on their conference championship.

Also:

H. J. R. 361. Commending the Morgan County Volunteer Rural Firefighters.

Also:

H. J. R. 365. Honoring Miss Amelia Johnson for meritorious service to the Town of Robertsedale.

Also:

H. J. R. 368. Commending Mrs. Barbara Bragg for meritorious service.

H. J. R. 371. Mourning the death of David Klein.

Also:

H. J. R. 374. Mourning the death of Judge W. J. Haralson.

Also:

H. J. R. 391. Commending the University of North Alabama Basketball Team.

Also:

H. J. R. 396. Mourning the death of Louis Hodges.

Also:

H. J. R. 398. Noting the 16th Annual Winston County "Chittlin" Supper.

Also:

H. J. R. 401. Congratulating Representative and Mrs. Tom Drake on a new addition to their fine family.

Also:

H. J. R. 402. Commending the Pittman Junior High School Football Team.

Also:

H. J. R. 416. Mourning the death of Mrs. Gray B. Lutz.

Also:

H. J. R. 417. Honoring Coach C. M. Newton of the University of Alabama.

Also:

H. J. R. 418. Commending the University of Alabama Basketball Team for an outstanding season.

McDOWELL LEE,  
Secretary.

#### S. 158 RESUMED

#### AMENDMENT OFFERED

Mr. Greer offered the following amendment No. 3 to the bill, S. 158 as amended:

Amend S. 158 on page 2, line 14, by deleting the word "private"

Further amend S. 158 on page 4, line 7, by deleting the word "private"

Further amend S. 158 on page 4, line 19, by deleting the word "private"

#### AMENDMENT TABLED

On motion of Mr. Callahan, the amendment No. 3 offered by Mr. Greer to the bill, S. 158 as amended, was tabled.

Yeas 55; Nays 34.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Callahan, Carter, Cates, Clark, Cooper, Crawford, Cross, Crowe, Drake, Falkenburg, Gafford, Harris, Hilliard, Jackson (F), Jackson (R), Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, McMillan, McNair, Manley, Martin, Merrill, Mitchem,

## 16th Day

Moore (W), Morris, Owens, Pegues, Plaster, Porter, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (J), Smith (M), Sonnier, Sparks, Tucker, Turnham, Waggoner, Warren, Weeks, Whatley, White and Younce.

—55

*Nays:*

Messrs.: Albright, Andrews, Barron, Brindley, Buskey, Dial, Ford, Goodwin, Greer, Gregg, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Johnson, Jolly, Lewis, Lutz, McNees, Moore (O), Quarles, Riddick, Shelton, Smith (B), Smith (C), Starkey, Trammell, Venable, Williams and Wyatt.

—34

## AMENDMENT OFFERED

Mr. Greer offered the following amendment No. 4 to the bill, S. 158 as amended:

Amend S. 158 on page 1, line 15, by adding after the word "Alabama" the following:

"or any other state"

Further amend S. 158 on page 2, line 15, by adding after the word "Alabama" the following

"or any other state"

Further amend S. 158 on page 4, line 7, by adding after the word "Alabama" the following:

"or any other state"

Further amend S. 158 on page 4, line 20, by adding after the word "State" the following:

"and other states"

## AMENDMENT TABLED

On motion of Mr. Callahan, the amendment No. 4 offered by Mr. Greer to the bill, S. 158 as amended, was tabled.

Yeas 59; Nays 29.

*Yeas:*

Mr. Speaker, Armstrong, Baker, Biddle, Callahan, Carter, Cates, Clark, Cooper, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Harris, Hilliard, Hines, Jackson (F), Jackson (R), Kelley, Kennedy, Killian, Knsey, Lee, Leonard, McCluskey, McMillan, McNair, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Owens, Pegues, Plaster, Porter, Reed, Rich, Roberts, Sandusky, Sasser, Smith (J), Smith (M), Sonnier, Sparks, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Younce.

—59

*Nays:*

Messrs.: Albright, Andrews, Barron, Brindley, Buskey, Coburn, Dial, Goodwin, Greer, Gregg, Hill, Holmes (A), Holmes (D), Hopping, Howard, Johnson, Jolly, Lewis, Lutz, McNees, Moore (O), Quarles, Riddick, Shelton, Shoemaker, Smith (B), Starkey, Trammell and Wyatt.

—29

## AMENDMENT OFFERED

Mr. Albright offered the following amendment No. 1 to the bill, S. 158 as amended:

Page 1, Line 15, after words "post secondary" add "and secondary"

Page 2, line 14, after the words "post secondary" add "and secondary"

Page 2, line 15, strike "of higher learning"

Page 2, line 21, add after the word colleges "in post-secondary area only"

Page 2, Section (a), line 32, add after (a) "In areas of post-secondary education has attained"

Page 3, line 15, Section F add after (f) "In areas of post-secondary education"

Page 3, line 18, after "full time student" add "In areas of post-secondary education an individual"

Page 3, line 29, after "part-time student" add "In areas of post-secondary education"

Page 3, line 34, after "undergraduate student" add "In areas of post-secondary education"

Section 2, page 4, line 8, after the word "universities" add "and secondary"

Section 2, page 4, line 11, strike "and universities" and add "universities and high schools,"

Section 2, page 4, line 12, strike "and universities" and add "universities and high schools,"

Section 2, page 4, line 15, strike "higher" where it appears in that line.

Section 2, page 4, line 17, strike the word "higher"

Section 2, page 4, line 19, strike "and universities" and add "universities and high schools"

Section 11, line 23, after "thereto" add "and shall apply specifically to Madison Academy High School in Huntsville, Alabama."

## AMENDMENT TABLED

On motion of Mr. Callahan, the amendment No. 1 offered by Mr. Albright to the bill, S. 158 as amended, was tabled.

Yeas 55; Nays 22.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Callahan, Carothers, Carter, Cates, Clark, Cooper, Cross, Crowe, Falkenburg, Folmar, Gafford, Gregg, Harris, Hilliard, Hines, Jackson (F), Jackson (R), Johnstone, Kennedy, Kinsey, Lee, Leonard, McMillan, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Owens, Pegues, Plaster, Porter, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (J), Smith (M), Sonnier, Sparks, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Younce.

*Nays:*

Messrs.: Andrews, Barron, Buskey, Dial, Goodwin, Greer, Hill, Holmes (A), Holmes (D), Hopping, Howard, Johnson, Lewis, McNees, Moore (O), Quarles, Riddick, Shelton, Smith (B), Starkey, Trammell and Wyatt.

—22

AMENDMENT OFFERED

Mr. Albright offered the following amendment No. 2 to the bill, S. 158 as amended:

Page 1, Line 15, after words "post secondary" add "and secondary"

Page 2, line 14, after the words "post secondary" add "and secondary"

Page 2, line 15, strike "of higher learning"

Page 2, line 21, add after the word colleges "in post-secondary area only"

Page 2, Section (a), line 32, add after (a) "In areas of post-secondary education has attained"

Page 3, line 15, Section F add after (f) "In areas of post-secondary education"

Page 3, line 18, after "full time student" add "In areas of post-secondary education an individual"

Page 3, line 29, after "part-time student" add "In areas of post-secondary education"

Page 3, line 34, after "undergraduate student" add "In areas of post-secondary education"

Section 2, page 4, line 8, after the word "universities" add "and secondary"

Section 2, page 4, line 11, strike "and universities" and add "universities and high schools,"

Section 2, page 4, line 12, strike "and universities" and add "universities and high schools,"

Section 2, page 4, line 15, strike "higher" where it appears in that line.

Section 2, page 4, line 17, strike the word "higher"

Section 2, page 4, line 19, strike "and universities" and add "universities and high schools"

Section 11, line 23, after "thereto" add "and shall apply specifically to Evangel High School in Huntsville, Alabama."

AMENDMENT TABLED

On motion of Mr. Callahan, the amendment No. 2 offered by Mr. Albright to the bill, S. 158 as amended, was tabled.

Yeas 58; Nays 21.

*Yeas:*

Mr. Speaker, Armstrong, Baker, Biddle, Callahan, Carothers, Carter, Cates, Clark, Cooper, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Gregg, Harris, Hilliard, Hines, Jackson (F), Jackson (R), John-

stone, Kelley, Kennedy, Kinsey, Lee, Leonard, McMillan, McNair, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Owens, Pegues, Plaster, Porter, Reed, Rich, Robertson, Sandusky, Sasser, Smith (J), Smith (M), Sonnier, Sparks, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Younce.

—58

*Nays:*

Messrs.: Andrews, Barron, Buskey, Greer, Hill, Holley, Holmes (A), Holmes (D), Hopping, Howard, Johnson, Lewis, Lutz, McNees, Riddick, Shelton, Smith (B), Starkey, Trammell, Williams and Wyatt.

—21

#### AMENDMENT OFFERED

Mr. Ford offered the following amendment to the bill, S. 158 as amended:

Amend Senate Bill 158 on page two, Section one by striking on line 11 the words and numbers "twelve (12) consecutive months" and insert in lieu thereof the following: "three (3) consecutive years"

#### MOTION TO TABLE LOST

The motion offered by Mr. Callahan to table the amendment offered by Mr. Ford to the bill, S. 158 as amended, was lost.

Yeas 39; Nays 44.

*Yeas:*

Mr. Speaker, Armstrong, Callahan, Clark, Cooper, Crowe, Drake, Falkenburg, Gafford, Harris, Hilliard, Hines, Jackson (F), Jackson (R), Kelley, Kennedy, Kinsey, Lee, McMillan, Manley, Moore (W), Morris, Owens, Pegues, Plaster, Porter, Reed, Roberts, Robertson, Sandusky, Smith (J), Sonnier, Sparks, Turnham, Waggoner, Warren, Weeks, White and Younce.

—39

*Nays:*

Messrs.: Albright, Andrews, Baker, Barron, Biddle, Boles, Buskey, Carothers, Cates, Cross, Dial, Folmar, Ford, Goodwin, Greer, Hill, Holmes (A), Holmes (D), Hopping, Howard, Johnson, Jolly, Killian, Lewis, Lutz, McNees, Martin, Merrill, Mitchem, Moore (O), Quarles, Rich, Riddick, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Starkey, Trammell, Venable, Whatley, Williams and Wyatt.

—44

#### AMENDMENT LOST

The question was then on the amendment offered by Mr. Ford to the bill, S. 158 as amended, and the amendment was lost.

Yeas 41; Nays 46.

*Yeas:*

Messrs.: Andrews, Baker, Barron, Boles, Brindley, Buskey, Campbell, Carothers, Cates, Coburn, Dial, Folmar, Ford, Goodwin, Greer, Hall, Hill, Holmes (A), Holmes (D), Hopping, Howard, Johnson, Jolly, Killian, Lewis, Lutz, McNees, Merrill, Moore (O), Quarles, Rich, Riddick, Sasser, Shelton, Smith (C), Smith (M), Starkey, Trammell, Venable, Williams and Wyatt.

—41



*Nays:*

Mr. Speaker, Armstrong, Biddle, Callahan, Clark, Cooper, Cross, Crowe, Drake, Edwards, Falkenburg, Gafford, Harris, Hilliard, Hines, Jackson (F), Jackson (R), Johnstone, Kelley, Kennedy, Lee, McCluskey, McMillan, McNair, Manley, Mitchem, Moore (W), Morris, Owens, Pegues, Plaster, Porter, Reed, Roberts, Robertson, Sandusky, Smith (J), Sonnier, Sparks, Tucker, Turnham, Waggoner, Warren, Weeks, White and Younce.

—46

AMENDMENT OFFERED

Mr. Hall offered the following amendment to the bill, S. 158 as amended:

Amend S. B. 158 by adding a new section 12 and renumbering the present section 12 and subsequent sections. The new section 12 shall read as follows:

Section 12. Appropriations for students in each public Junior College in Alabama shall be at least \$600 per year.

AMENDMENT TABLED

On motion of Mr. Callahan, the amendment offered by Mr. Hall to the bill, S. 158 as amended, was tabled.

Yeas 52; Nays 37.

*Yeas:*

Mr. Speaker, Armstrong, Callahan, Carothers, Carter, Cates, Clark, Cooper, Cross, Crowe, Drake, Folmar, Gafford, Gregg, Harris, Hill, Hilliard, Hines, Jackson (R), Johnstone, Kelley, Kennedy, Kinsey, Lee, Leonard, McCluskey, McMillan, McNair, Manley, Merrill, Mitchem, Moore (W), Morris, Owens, Pegues, Plaster, Porter, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (J), Sonnier, Sparks, Turnham, Waggoner, Warren, Weeks, White and Younce.

—52

*Nays:*

Messrs.: Albright, Andrews, Baker, Barron, Biddle, Boles, Brindley, Buskey, Dial, Ford, Goodwin, Greer, Hall, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jolly, Killian, Lewis, McNees, Martin, Moore (O), Quarles, Riddick, Shelton, Smith (C), Smith (M), Starkey, Trammell, Tucker, Venable, Whatley, Williams and Wyatt.

—37

AMENDMENT OFFERED

Mr. Barron offered the following amendment to the bill, S. 158 as amended:

Amend S. B. 158 by adding the following paragraph at the end of Section 8, page 8, line 37:

"The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of any said institution of post-secondary education which receives any such grants as a result of this Act to the same extent, degree, and scope as its audits of other public educational institutions, and said institution of post-secondary education shall submit to the Legislature each year, before any subsequent grants may be applied for or considered, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year."

## MOTION TO TABLE LOST

The motion offered by Mr. Callahan to table the amendment offered by Mr. Barron to the bill, S. 158 as amended, was tabled.

Yeas 42; Nays 49.

*Yeas:*

Mr. Speaker, Armstrong, Biddle, Callahan, Carter, Cates, Clark, Cooper, Cross, Crowe, Drake, Edwards, Falkenburg, Gafford, Harris, Hilliard, Johnstone, Kelley, Kennedy, Lee, McCluskey, McMillan, McNair, Manley, Moore (W), Morris, Owens, Pegues, Porter, Reed, Roberts, Robertson, Sandusky, Smith (J), Sonnier, Sparks, Turnham, Waggoner, Warren, Weeks, White and Younce.

—42

*Nays:*

Messrs.: Albright, Andrews, Baker, Barron, Brindley, Buskey, Campbell, Carothers, Coburn, Dial, Folmar, Goodwin, Greer, Gregg, Hall, Hill, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Jolly, Killian, Leonard, Lewis, Lutz, McNees, Martin, Merrill, Mitchem, Moore (O), Plaster, Quarles, Rich, Riddick, Sasser, Shelton, Shoemaker, Smith (C), Smith (M), Starkey, Trammell, Tucker, Venable, Whatley, Williams and Wyatt.

—49

## AMENDMENT ADOPTED

The question was then on the amendment offered by Mr. Barron to the bill, S. 158 as amended, and the amendment was adopted.

Yeas 49; Nays 43.

*Yeas:*

Messrs.: Albright, Andrews, Baker, Barron, Brindley, Buskey, Campbell, Carothers, Coburn, Dial, Folmar, Goodwin, Greer, Gregg, Hall, Hill, Holley, Holmes (A), Holmes (D), Hopping, Howard, Johnson, Jolly, Killian, Kinsey, Leonard, Lewis, Lutz, McNees, Martin, Merrill, Mitchem, Moore (O), Plaster, Quarles, Rich, Riddick, Sasser, Shelton, Shoemaker, Smith (C), Smith (M), Starkey, Trammell, Tucker, Venable, Whatley, Williams and Wyatt.

—49

*Nays:*

Mr. Speaker, Armstrong, Biddle, Callahan, Carter, Cates, Clark, Cooper, Cross, Crowe, Drake, Falkenburg, Gafford, Harris, Hilliard, Jackson (F), Jackson (R), Johnstone, Kelley, Kennedy, Lee, McCluskey, McMillan, McNair, Manley, Moore (W), Morris, Owens, Pegues, Porter, Reed, Roberts, Robertson, Sandusky, Smith (J), Sonnier, Sparks, Turnham, Waggoner, Warren, Weeks, White and Younce.

—43

## SUBSTITUTE OFFERED

Mr. Holley offered the following substitute to the bill, S. 158 as amended:

A BILL  
TO BE ENTITLED  
AN ACT

Proposing an amendment to the state constitution relative to the establishment of a student grant program providing tuition grants to

Alabama residents who are students in certain approved Alabama institutions. Said program to be administered by the Alabama commission on higher education and funded from the special education trust fund.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor.

#### PROPOSED AMENDMENT

As used in this Amendment, unless the context requires otherwise, the following terms mean:

ACHE—The Alabama Commission on Higher Education.

ALABAMA RESIDENT—Unless otherwise further defined by the ACHE, a person who has had his or her habitation, home or permanent abode in the State of Alabama for a period of at least twelve (12) consecutive months immediately preceding application for a grant under the Alabama Student Grant Program.

APPROVED INSTITUTION—Any private postsecondary institution of higher learning located in the State of Alabama which is accredited by the Southern Association of Colleges and Schools, or which has entered into the formal process of attaining accreditation by the Southern Association of Colleges and Schools, or whose credits are accepted by at least three (3) other institutions which are accredited by the Southern Association of Colleges and Schools. Such an approved institution must have an academic curriculum which is not comprised principally of sectarian instruction or preparation of students for a sectarian vocation and which does not award primarily theologian or seminarian degrees (to the extent that any such institution may have a religious or denominational affiliation, it must perform essentially secular educational functions which are distinct and separable from religious activity).

ELIGIBLE STUDENT—Any applicant for a grant under the Alabama Student Grant Program who:

(a) Has obtained a certificate of graduation from a secondary school or the recognized equivalent of such graduation; and

(b) Is classified as an undergraduate student as defined in this Act; and

(c) Is an Alabama resident as defined in this Act; and

(d) Is a citizen of the United States or in the process of becoming a citizen of the United States.

(e) Is enrolled or accepted for enrollment as a full-time or part-time student in a program of at least six (6) months' duration in an approved institution as defined in this Amendment; and

(f) Is not enrolled and does not intend to enroll in a course of study leading to an undergraduate degree in theology or divinity.

FULL-TIME STUDENT—An individual student who meets the criteria established by definitions, rules and regulations to be established by the ACHE.

## 16th Day

**GRANT**—A monetary award under the Alabama Student Grant Program to an approved institution on behalf of and to the credit of an eligible student pursuant to this Amendment.

**INSTITUTION RELATED EXPENSES**—Nonsectarian educational expenses, including, but not limited to tuition, mandatory fees, room and board, transportation, books and supplies, and other incidental nonsectarian education expenses anticipated by an eligible student.

**PART-TIME STUDENT**—An individual student who meets all qualifications as an eligible student and who meets the further criteria to be established by the ACHE.

**PROGRAM**—The Alabama Student Grant Program, including the administration thereof.

**UNDERGRADUATE STUDENT**—Any individual student who meets all qualifications as an eligible student and has not received a baccalaureate degree or its equivalent.

The legislature declares that there exist within the State of Alabama a number of accredited private colleges and universities whose facilities could be used more effectively in the public interest by the grant of financial assistance to residents of the State who choose to attend such colleges and universities, in order to pay a portion of such residents' institutional related expenses at such colleges and universities, thereby reducing the cost to taxpayers of the State below the cost of providing similar instruction to such residents at institutions of higher learning within the State Higher Education System.

This Amendment is intended to provide higher educational opportunities to bona fide residents of the State by utilizing the facilities and resources of private colleges and universities in the State more effectively.

There is hereby granted to each eligible student attending an approved institution the sum of (\$600.00) Six Hundred Dollars per academic year, which sum shall be distributed to such institution on behalf of and to the credit of such student in accordance with rules and regulations to be promulgated by the Alabama Commission on Higher Education.

The Alabama Student Grant Program created under this amendment shall be administered by the Alabama Commission on Higher Education. The executive director of the ACHE shall have primary responsibility for the administration of the Program, including appropriate staffing, in accordance with rules, regulations, policies and procedures to be promulgated by the ACHE.

The ACHE is authorized and empowered to promulgate such rules, regulations, policies and procedures as may be reasonable and proper in order to carry out the provisions and purposes of this amendment. Without limiting the generality of the foregoing, the ACHE is authorized and empowered:

(a) To make reasonable rules, regulations and determinations concerning the qualification of applicants as Alabama residents or as eligible students and the qualification of institutions as approved institutions as defined in this amendment;

(b) To alter or amend the definition of "eligible student" in order to enable the Program to meet the requirements of the State or Federal Constitution or any applicable statute, administrative regulation, or

judicial decision, if such alteration is deemed both necessary and reasonable;

(c) To determine the extent to which applicants, including part-time students, shall be eligible for grants under this amendment;

(d) To make reasonable rules, regulations and determinations concerning the method of payment of grants to approved institutions on behalf of and to the credit of eligible students;

(e) To request submission of and obtain all information reasonably needed for the effective administration of the Program from individual applicants for grants or from institutions which enroll eligible students; and

(f) To accept grants and contributions, which are intended to provide financial assistance to Alabama students, and to use such grants and contributions for the purpose or purposes for which same are made.

The ACHE shall be responsible for the effective implementation and administration of the Program. ACHE shall issue public information; design all forms needed for the effective administration of the Program; process all applications, certifications of eligibility, approvals, awards, renewals, revocations and disbursements of grants; ensure against the utilization of grants for religious or sectarian purposes; and promulgate and implement all rules, regulations, policies and procedures reasonably needed for the effective administration of the Program.

Grants shall be available to eligible students and shall be paid to approved institutions on behalf of and to the credit of such students, without regard to place of residence within the State of Alabama, age, race, color, creed, sex or national origin, and shall be paid out of funds in the annual budget appropriated pursuant to Section 11 of this amendment.

Grants may be applied for by any eligible student wishing to receive same, through an approved institution in which he is enrolled or plans to enroll, pursuant to procedures to be devised and implemented by the ACHE.

The ACHE shall not approve any grant until there has been received from an appropriate officer of an approved institution in which an applicant is enrolled, a certification that the applicant is an eligible student. Upon receipt of a proper certification of eligibility, the ACHE shall remit, at such time as it deems appropriate, such grant to the approved institution in which an applicant is enrolled on behalf of and to the credit of the applicant. Upon awarding a grant, the ACHE shall issue a certificate evidencing the award to the student involved and shall forward a copy to the institution that is to receive the grant on behalf of and to the credit of the student.

Each grant shall be renewable annually for the number of semesters or quarters (or their equivalent) normally required by the institution for the course of study in which the individual student is enrolled, not to exceed five academic years or until such earlier time as the student receives a baccalaureate degree, or has expended ten semesters or fifteen quarters (or their equivalent) of enrollment. The ACHE shall grant a renewal only upon the student's annual application and upon verification that the student remains an eligible student as defined in this amendment.

If a student on whose behalf and to whose credit a grant has been made shall fail to comply with the established rules and regulations in

respect to such grant, or shall fail to obtain the minimum level of achievement prescribed for the retention of such grant, or shall for any reason fail to enroll in or be expelled or suspended from an approved institution, the ACHE may, upon appropriate evidence, revoke such grant. In such a case, the institution shall reimburse the Program for the amount of such grant. A student may again become eligible for a grant when all requirements for eligibility have been met.

In the case of a student enrolled in an institution which has a religious or denominational affiliation, the ACHE shall devise and implement rules, regulations and procedures to insure that the maximum amount of assistance available to a student at a given institution under the Program does not exceed the per student operating expenditures of the institution for nonsectarian, secular educational purposes.

Under no circumstances shall any funds paid pursuant to this amendment be utilized by an institution for religious, sectarian or denominational purposes, and the ACHE shall devise and implement such regulations and procedures as may be appropriate to insure that such funds are used solely for nonsectarian, secular educational purposes. Any institution receiving grant funds on behalf of and to the credit of eligible students shall segregate such funds in a special revenue account and shall identify nonsectarian expenditures of such funds in its budget. Each institution shall maintain documentation acceptable to ACHE of its expenditure of grant funds to permit verification by the ACHE, the Examiner of Public Accounts or the State Auditor.

Under no circumstances shall this amendment be construed as authorizing money raised for the support of public schools in the State of Alabama to be appropriated or used for the support of any sectarian or denominational school. All grants permitted by this amendment are strictly limited to eligible students enrolled or accepted for enrollment in an approved institution as defined in this amendment.

Each approved institution receiving grants hereunder on behalf of and to the credit of any of its students shall be subject to examination at any time by the ACHE, the Examiner of Public Accounts or the State Auditor for the purpose of determining whether such institution has complied with the provisions of this amendment and the rules and regulations promulgated pursuant to this amendment. Nothing in this amendment shall be construed to interfere with the authority of approved institutions to determine admission requirements, curricula or administrative policies. If an institution certifies an ineligible student for a grant hereunder, the amount of the grant paid to the institution pursuant to such certification shall be refunded by the institution to the Alabama Student Grant Program in accordance with regulations promulgated by the ACHE.

Should funds appropriated to the Alabama Student Grant Program be insufficient to provide each eligible student with a full grant for the term(s) requested, each eligible student shall receive a prorata grant share of the available funds.

Any person who knowingly makes or furnishes any false statement or misrepresentation, or who accepts such false statement or misrepresentation knowing the same to be false, for the purpose of enabling an individual student to wrongfully obtain a grant hereunder, shall be guilty of a misdemeanor and, upon conviction thereof, be punished for a misdemeanor.

There is hereby appropriated from the Alabama Special Educational Trust Fund the sum of (\$6,600,000.00) Six Million, Six Hundred Thous-

REGULAR SESSION  
16th Day

1089

and Dollars for the fiscal year 1977-78. This appropriation shall be used only for the purpose of establishing and funding grants to eligible students attending approved institutions as defined in this amendment and the administrative expenses incident thereto.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

SUBSTITUTE TABLED

On motion of Mr. White, the substitute offered by Mr. Holley to the bill, S. 158 as amended, was tabled.

Yeas 44; Nays 41.

Yeas:

Mr. Speaker, Armstrong, Biddle, Callahan, Carothers, Carter, Cates, Clark, Cooper, Crowe, Drake, Edwards, Folmar, Gafford, Harris, Hilliard, Jackson (F), Jackson (R), Kelley, Kennedy, McCluskey, McNair, Manley, Merrill, Morris, Owens, Pegues, Plaster, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (J), Smith (M), Sonnier, Sparks, Turnham, Waggoner, Warren, Weeks, White and Younce.

—44

Nays:

Messrs.: Albright, Andrews, Baker, Barron, Brindley, Buskey, Coburn, Cross, Dial, Ford, Goodwin, Greer, Gregg, Hall, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Johnson, Jolly, Killian, Lee, Leonard, Lewis, McNees, Mitchem, Moore (O), Quarles, Riddick, Shelton, Smith (B), Smith (C), Starkey, Trammell, Tucker, Venable, Whatley and Wyatt.

—41

And the bill, S. 158 as thus amended, was read a third time at length and passed.

Yeas 59; Nays 35.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Boles, Callahan, Campbell, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Harris, Hilliard, Holmes (A), Jackson (F), Jackson (R), Johnstone, Kennedy, Kinsey, Leonard, McCluskey, McNair, Manley, Martin, Mitchem, Moore (O), Morris, Owens, Pegues, Plaster, Porter, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (J), Smith (M), Sonnier, Sparks, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Younce.

—59

*Nays:*

Messrs.: Albright, Andrews, Barron, Brindley, Buskey, Dial, Goodwin, Greer, Gregg, Hall, Hill, Hines, Holley, Holmes (D), Hopping, Howard, Johnson, Jolly, Kelley, Killian, Lee, Lewis, Lutz, McMillan, McNees, Merrill, Quarles, Rich, Shelton, Smith (B), Smith (C), Starkey, Trammell, Williams and Wyatt.

—35

## MOTION TO ADJOURN LOST

The motion offered by Mr. Johnson that the House adjourn until 1:00 o'clock p. m., Tuesday, April 5, 1977, was lost.

Yeas 37; Nays 47.

*Yeas:*

Messrs.: Albright, Andrews, Baker, Barron, Brindley, Buskey, Coburn, Drake, Edwards, Folmar, Ford, Goodwin, Hall, Harris, Hilliard, Hopping, Howard, Johnson, Jolly, Lee, Leonard, Lewis, Lutz, McNair, Manley, Merrill, Moore (O), Robertson, Shelton, Smith (J), Sparks, Starkey, Trammell, Tucker, Warren, Weeks and Wyatt.

—37

*Nays:*

Mr. Speaker, Armstrong, Biddle, Boles, Callahan, Carter, Clark, Cooper, Cross, Crowe, Dial, Falkenburg, Gafford, Greer, Hill, Holley, Holmes (A), Jackson (F), Johnstone, Kelley, Kennedy, Killian, Kinsey, McCluskey, McMillan, McNees, Martin, Mitchem, Morris, Owens, Plaster, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Turnham, Venable, Waggoner, Whatley, White and Younce.

—47

## RESOLUTION

The following resolution was introduced:

By Messrs.: Gregg, Armstrong, Jackson (F), Holmes (A), Smith (J), Jackson (R), Barron, Hines, Buskey, Johnstone, Hill, Starkey, Smith (B), Albright, McNair, Andrews, Hilliard, Jolly, Leonard, Howard, Hopping and Johnson:

H. R. 440. SUPPORTING THE APPOINTMENT OF REPRESENTATIVE JOHN PORTER TO THE CURRENT VACANCY ON THE ALABAMA PARDONS AND PAROLE BOARD AND ENCOURAGING CONFIRMATION BY THE SENATE.

WHEREAS, our colleague, the Reverend John Thomas Porter of Birmingham, serves as a distinguished member of the House and most ably represents the people of the 39th District, working diligently and with dedication for the needs of the citizens of Jefferson County and of our entire state; he has reflected in this body a spirit of compassion and, at all times, a high respect for law and order; and

WHEREAS, he has served for fourteen years as Pastor of the Sixth Avenue Baptist Church of Birmingham, sensitive to the needs of his congregation and meeting those needs wisely and humanely; and

WHEREAS, the Reverend Porter's name has been mentioned frequently of late with regard to his possible nomination and confirmation to a recent vacancy appearing on the State Board of Pardons and Parole, and



WHEREAS, those sponsoring and other members of the Alabama House of Representatives sincerely believe that the Reverend Porter would indeed serve ably and fairly as a member of the State Board of Pardons and Parole; and

WHEREAS, the Reverend Porter's qualifications for this position are further enhanced by an excellent academic background; he is a graduate of both Alabama State University and Morehouse College;

NOW THEREFORE BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That we do strongly urge the appointment of Representative John T. Porter to the current vacancy on the Alabama Pardons and Parole Board, and, further, encourage the Senate to confirm this appointment.

FURTHER BE IT RESOLVED That a copy of this resolution be delivered forthwith and without delay to the Honorable George C. Wallace, Governor; and the Honorable Jerry Beasley, Lieutenant Governor; the Honorable John C. Tyson, Presiding Judge of the Alabama Criminal Court of Appeals; and the Honorable C. C. Torbert, Chief Justice of the Alabama State Supreme Court.

On motion of Mr. Gregg, the rules were suspended and the resolution, H. R. 440, was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Barron, Biddle, Boles, Buskey, Campbell, Clark, Coburn, Cooper, Dial, Drake, Edwards, Ford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kennedy, Killian, Lee, Leonard, Lewis, Lutz, McCluskey, McNair, McNeese, Martin, Merrill, Mitchem, Morris, Owens, Quarles, Reed, Rich, Riddick, Shelton, Shotmaker, Smith (B), Smith (J), Sparks, Starkey, Tucker, Waggoner and Weeks.

—59

#### PERMISSION GRANTED

Permission was granted for the Journal to show Mr. Moore (W) would have voted "Yea" on the bill, S. 158, had he been in the Chamber at the time of voting.

Mr. Carothers had stepped out of the Chamber when the vote on the final passage of S. 158 was cast. Being for the bill and a co-sponsor, the Journal reflects that had Mr. Carothers not been on the telephone with a constituent he would have voted for the bill.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 111. COMMENDING DR. BILL HARTLEY, PASTOR OF THE RIDGECREST BAPTIST CHURCH.

Also:

H. J. R. 112. COMMENDING REVEREND CLAUDE WHITE-HEAD, PASTOR OF THE HUFFMAN UNITED METHODIST CHURCH.

Also:

H. J. R. 326. MOURNING THE DEATH OF COLONEL LOUIS J. COMPTON.

Also:

H. J. R. 329. CONGRATULATING AND COMMENDING THE ANDALUSIA HIGH SCHOOL FOOTBALL TEAM.

Also:

H. J. R. 343. CONGRATULATING THE TROY STATE UNIVERSITY FOOTBALL TEAM ON THEIR CONFERENCE CHAMPIONSHIP.

Also:

H. J. R. 361. COMMENDING THE MORGAN COUNTY VOLUNTEER RURAL FIREFIGHTERS.

Also:

H. J. R. 365. HONORING MISS AMELIA JOHNSON FOR MERITORIOUS SERVICE TO THE TOWN OF ROBERTSDALE.

Also:

H. J. R. 368. COMMENDING MRS. BARBARA BRAGG FOR MERITORIOUS SERVICE.

Also:

H. J. R. 371. MOURNING THE TRAGIC DEATH OF DAVID KLEIN.

Also:

H. J. R. 374. MOURNING THE DEATH OF JUDGE W. J. HARALSON.

Also:

H. J. R. 391. COMMENDING THE UNIVERSITY OF NORTH ALABAMA BASKETBALL TEAM.

Also:

H. J. R. 396. MOURNING THE DEATH OF LOUIS HODGES.

Also:

H. J. R. 398. NOTING THE 16th ANNUAL WINSTON COUNTY "CHITTLIN" SUPPER.

Also:

H. J. R. 401. CONGRATULATING REPRESENTATIVE AND MRS. TOM DRAKE ON A NEW ADDITION TO THEIR FINE FAMILY.

Also:

H. J. R. 402. COMMENDING THE PITTMAN JUNIOR HIGH SCHOOL FOOTBALL TEAM.

Also:

H. J. R. 416. MOURNING THE DEATH OF MRS. GRAY B. LUTZ.

Also:

H. J. R. 417. HONORING COACH C. M. NEWTON OF THE UNIVERSITY OF ALABAMA.

Also:

H. J. R. 418. COMMENDING THE UNIVERSITY OF ALABAMA BASKETBALL TEAM FOR AN OUTSTANDING SEASON.

Also:

H. J. R. 425. NAMING THE NEW NATIONAL GUARD ARMORY IN TROY, ALABAMA THE "RALPH WYATT ADAMS NATIONAL GUARD ARMORY".

And finds same correctly enrolled.

TOM DRAKE,  
Chairman.

#### SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### RESOLUTIONS

The following resolutions were introduced:

By Mr. Waggoner:

H. J. R. 441. COMMENDING THE THOMPSON HIGH SCHOOL BASKETBALL TEAM ON THEIR STATE 3A CHAMPIONSHIP.

WHEREAS, on March 12, 1977, the Thompson High School Warriors overcame an overwhelming 18 point deficit in the third period to defeat Sparkman High 65-62, capturing the State 3A Championship for the second consecutive year; and

WHEREAS, these back-to-back Alabama champs from Alabaster, with a 30-1 season record, were led to victory by Head Coach Ellie Glasscox and assistant coach Donnie Kennedy who are both due credit and praise for the skills displayed by their team, with appreciation due also to managers Popcorn Underwood, Jim Cook and Alan Hines; the Thompson High School champions are Zulu Green, Perry Oden, Glen Marcus, P. J. Thomas, Sam Lilly, Willie Keith, Benji Allen, Rob Williams, Danny Williams, Greg Edwards, Kenny Mahone and Warren Green; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate and commend the Thompson High School Warriors on their State 3A Championship victory and direct that copies of this resolution be sent to Coaches Glasscox and Kennedy, to the managers and to each member of the team that they may know of our high praise.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 441, on the Clerk's desk for one legislative day.

Also:

By Mr. Smith(M):

H. R. 442. Commending Mr. & Mrs. L. S. Finley.

WHEREAS, Mr. and Mrs. L. S. Finley were legally joined together in holy matrimony; and

WHEREAS, they have remained in said holy state for over one-half century; and

WHEREAS, they have honored their marriage vows of so long ago and kept each other in sickness and in health; and

WHEREAS, they have loved and honored each other above all other people and defended each other against all things injurious; and

WHEREAS, they have been exemplary citizens of this County and have set an enviable example for posterity to follow:

NOW, THEREFORE, BE IT RESOLVED, that the Alabama House of Representatives does hereby acknowledge the sublime example set by Mr. and Mrs. L. S. Finley over the last one-half century; and

BE IT FURTHER RESOLVED, that the State of Alabama does on this occasion take time to gratefully thank Mr. and Mrs. L. S. Finley for all their enduring efforts to make this world a better place to live; and

BE IT EVEN FURTHER RESOLVED, that the date of the consummation of their marriage be hereafter and forevermore celebrated as Mr. and Mrs. L. S. Finley Memorial Day. Also be it resolved, that a copy of this resolution be sent to Mr. and Mrs. L. S. Finley.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 442, on the Clerk's desk for one legislative day.

Also:

By Mr. Smith (M):

H. R. 443. Commending Mr. & Mrs. Curtis J. Coggins.

WHEREAS, Mr. and Mrs. Curtis J. Coggins were legally joined together in holy matrimony; and

WHEREAS, they have remained in said holy state for over one-half century; and

WHEREAS, they have honored their marriage vows of so long ago and kept each other in sickness and in health; and

WHEREAS, they have loved and honored each other above all other people and defended each other against all things injurious; and

WHEREAS, they have been exemplary citizens of this County and have set an enviable example for posterity to follow:

NOW, THEREFORE, BE IT RESOLVED, that the Alabama House of Representatives does hereby acknowledge the sublime example set by Mr. and Mrs. Curtis J. Coggins over the last one-half century; and

BE IT FURTHER RESOLVED, that the State of Alabama does on this occasion take time to gratefully thank Mr. and Mrs. Curtis J. Coggins for all their enduring efforts to make this world a better place to live; and

REGULAR SESSION  
16th Day

1095

BE IT EVEN FURTHER RESOLVED, that the date of the consummation of their marriage be hereafter and forevermore celebrated as Mr. and Mrs. Curtis J. Coggins Memorial Day. Also be it resolved, that a copy of this resolution be sent to Mr. and Mrs. Curtis J. Coggins.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 443, on the Clerk's desk for one legislative day.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:35 P. M. On March 31, 1977

H. 433  
H. 103  
H. 198  
H. J. R. 342  
H. J. R. 354  
H. J. R. 372  
H. J. R. 377  
H. J. R. 379  
H. J. R. 385  
H. J. R. 387  
H. J. R. 405

Delivered to the Governor at 3:25 P. M. On March 31, 1977

H. 782  
H. 371  
H. 437  
H. 439  
H. 556  
H. 602  
H. 652  
H. 671  
H. 742  
H. 743  
H. 47  
H. 300  
H. 405  
H. 412  
H. 666  
H. 727  
H. 729  
H. 836  
H. 849  
H. 850  
H. 104  
H. 717

JOHN W. PEMBERTON,  
Clerk.

MOTION TO RECESS

Mr. Armstrong offered the motion that the House recess until 7:00 o'clock p. m.

## SUBSTITUTE MOTION ADOPTED

The substitute motion offered by Mr. Lutz that the House adjourn until 1:00 o'clock p. m., Tuesday, April 5, 1977, was adopted.

Yeas 40; Nays 39.

*Yeas:*

Messrs.: Albright, Baker, Barron, Buskey, Cates, Coburn, Drake, Folmar, Ford, Goodwin, Hall, Harris, Hilliard, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Jolly, Killian, Lee, Leonard, Lewis, Lutz, McCulley, McNair, Manley, Merrill, Moore (O), Quarles, Shelton, Smith (B), Smith (J), Smith (M), Sparks, Starkey, Trammell, Tucker and Wyatt.

—40

*Nays:*

Mr. Speaker, Armstrong, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Clark, Cooper, Cross, Dial, Gafford, Gregg, Hill, Holley, Johnstone, Kelley, McCluskey, McNees, Martin, Mitchem, Moore (W), Morris, Owens, Pegues, Reed, Rich, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Sonnier, Turnham, Venable, Waggoner, White and Younce.

—39

## ADJOURNMENT

On substitute motion of Mr. Lutz and pursuant to the resolution, H. R. 430, heretofore adopted, the House adjourned until 1:00 o'clock p. m., Tuesday, April 5, 1977.

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